THOMAS KENNEDY

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

THE JEW'S STRUGGLE

FOR

RELIGIOUS AND CIVIL LIBERTY

IN

MARYLAND

BY

E. MILTON ALTFELD

BALTIMORE
M. CURLANDER
1924

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TO

MY MOTHER

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PREFACE

Glancing through old legislative records that I chanced to pick up while serving as a member of the House of Delegates in 1914, I became attracted to the subject of the "Jew" bill which agitated the citizenry of the State a century ago. Later, while scouting for news for the Baltimore American, I heard an impressive talk on the subject of early Jewish disabilities by Philip L. Sykes, a prominent member of the Baltimore Bar and at that time a student of the Johns Hopkins University. Many talks with Mr. Sykes on Jewish and communal subjects followed and his devotion to Jewish causes inspired me to pursue the subject further.

When I returned to civilian life from the World War in 1918 I devoted my efforts towards raising money for the purchase of a monument to be erected over the grave of Thomas Kennedy in Hagerstown. This project was successful and the monument was accordingly dedicated in the presence of Mr. Kennedy's living descendants and state and city officials. This man, although he knew not Jew yet knew the principles of humanity and brotherhood. If our people understood the tremendous effort put forth by Kennedy and the obstacles he had to overcome, surely they would arrange an annual pilgrimage to his grave.

I desire to extend my thanks to the press of Baltimore for permitting access to their files; the Maryland Historical Society, Peabody Library, St. Mary's County officials, Land Record Office Commissioner, Mrs. J. Findlay, great-grand-daughter of Thomas Kennedy, B. S. Appelstein, Baltimore City Librarian; Charles Fickus, Prof. Jacob H. Hollander, of the Johns Hopkins University, Senator William Curran and especially Mr. Sykes for his helpful suggestions.

Much pleasure was derived by me in gathering the data for this volume; if my readers receive a small portion of the enjoyment that was mine, in its preparation, I shall feel amply compensated for the labor that was entailed by this task.

E. M. A.

Baltimore, April 2, 1924.

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INTRODUCTION

By Philip L. Sykes

Few chapters in the history of this state are more intensely interesting than the story of the struggle to remove the civil disabilities of the Jew. It is a gripping human drama of the progress of liberal thought.

Starting with the earliest days of the colony, Mr. Altfeld traces the development of religious liberty in this state to the dramatic struggle which began in 1818 and did not end until 1826. The struggle centered for the most part around one heroic figure—a man who was a Christian in earnest. Then, as now, there were many who had just enough religion to hate, but not enough to love their neighbor. Thomas Kennedy was the leader of the group who found in their Christianity principles of a universal religion, principles that are not limited to any sect or creed, but are as broad and all-embracing as humanity itself. His address in behalf of the removal of the disabilities of the Jew which is reproduced by the author, is itself a liberal education on the subject of the freedom of conscience. It was one of a number of similar speeches that came from the lips of this great disciple of liberty, and resounded through the halls of the legislature. It is as timely today as it was more than one hundred years ago when it was delivered.

To those who look upon the present wave of anti-Semitism with great misgivings, there should be something of a consolation in these pages. Every generation, it seems, has its small group of men whose vision is unblurred by prejudice or self-interest and whose ruling passion is a keen sense of justice. Hope should spring eternal in the Jewish breast, for when the outlook is darkest, someone usually appears to espouse our cause and help us fight our battles.

The volume is the most complete presentation of the subject. Mr. Altfeld has done a real service in helping to acquaint the present generation with one of the most important periods of the history of the Jew in this state.

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CONTENTS

CHAPTER		PAGE
I	THE COLONY OF MARYLAND	1
II	"A SET OF PEOPLE CALLED JEWS"	9
III	ISRAEL'S CHAMPION APPEARS	14
IV	THE FIGHT FOR RELIGIOUS LIBERTY	21
V	FIRST JEWS TO HOLD OFFICE	44
VI	A SPIRIT OF TOLERATION	58
VII	DEBATES IN THE GENERAL ASSEMBLY	69
VIII	THE PASSAGE OF THE JEW BILL	128
	INDEX	209

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CHAPTER I

THE COLONY OF MARYLAND

In 1633 the Ark and the Dove, carrying 200 adventurous souls sailed into the Chesapeake Bay. These men of daring and industry formed the province of Maryland. It was in a time when Catholics in England were not permitted to hold public office, nor educate their children in their faith. Cromwell, as minister to Henry the VIII had given the order for the trial and execution of offenders. Hus had been burned, Savanarola put to death, the bones of St. Thomas à Becket exhumed and burned, Charles I executed, the ashes of Wycliffe scattered to the sea.

In New England deserters were scourged and exiled. In Virginia the Episcopalians exacted legislation for the suppression of Presbyterians, Friends and Puritans.

The historic Toleration Act passed in the Province of Maryland in 1649, was, therefore, an important step towards the freedom of conscience. The Act provided that "No one within the Province professing to believe in Jesus Christ should be in any way troubled, molested, or discountenanced for his or her religion or in the free exercise thereof." Bancroft in speaking of the colony says: "Its history is the history of benevolence, gratitude, and toleration—here religious liberty obtained a home, its only home in the world. Every other country had persecuting laws, till through the benign administration of the government of Maryland no person professing to believe in Jesus Christ was permitted to be molested on account of religion."

The problem of religious liberty in the early years of the colony was confined to the various sects among the Christians. There had been no single influx of Jews such as took place in Charleston, Savannah, Newport and New York. Only a

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few Jewish names appear in the early provincial records. Among them are: Mathias de Sousa (1639), Mathias de Costa, Isaac de Barrethe, Hester Cordia, David Fereira, and Jacob Leat.

The first Jew in the colony of whose faith we have definite knowledge is Jacob Lumbrozo. Lumbrozo came to Maryland from Portugal. He was one of the first medical men in Maryland, and for a number of years was one of the important figures in the economic life of the community.

Court orders bearing date of December 30, 1657, are issued to Lumbrozo for the recovery of a debt of four hundred pounds of tobacco. At least nine judgments and attachments issued from the physician during the next twelvemonth. The manuscript records of the Maryland Land Office reveal some of the activities of Lumbrozo after 1633, during the latter part of his life. Letters of denization had been issued to him on September 10, 1633. This had the effect of changing his status from that of an alien who could only institute civil proceedings in the courts, to that of a semi-naturalized citizen, with the privileges of a native or English-born subject, including the right of land settlement. The very day after this newly acquired prerogative there are records showing his demand for lands "for his own transportation and that of his wife Elizabeth."

Of singular interest is the will of Lumbrozo probated in the office of the Register of Wills at Annapolis. It is dated September 24, 1665, and is a document of considerable length. There is nothing in the record indicating an absence of his faith, simply reading: "I bequeath my sould to its Creator assuredly believing that he will in mercy look upon it and restore it to Eternal rest and my body to the Earth to decent Sepulture."

Whether the wife of Lumbrozo was a Jewess will probably never be known. That her name was Elizabeth and that she arrived in the province in 1662 has been established. If she were a Jewess, it is reasonably certain that she must have come from England. The frequency of the name of Elizabeth in many of the court and provincial records indicate

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that she was not of his faith and that the marriage occurred after her arrival in the province. His references to a sister in the will by the name of Rebecca, living in Holland, establishes a definite connection with that country and reveals the possibility of South American immigration and affiliation with established Jewish colonization movements. Lumbrozo died in May, 1666, without issue.

More interesting than the life of Lumbrozo itself, is his historic trial for questioning the divinity of Christ. The proceedings were brought under the Toleration Act of 1649, which like the blue laws today, had apparently not been rigidly enforced.

The proceedings taken from the records of the provincial court, Liber S. 1658–1662. Judgments, pages 159–160, are as follows:

"At a Provincial Court, held at St. Marys on Wednesday, this 23rd February, 1658.

"Present—Josias Fendall, Esq., Governor; Philip Calvert, Esq., Secretary; Mr. Robert Clarke; Mr. Baker Brooks; Dr. Luke Barber.

"Was called before the board, Jacob Lumbrozo, and charged by his Lordship's Attorney for uttering words of blasphemy against our Blessed Saviour, Jesus Christ.

"The deposition of John Hoffsett, aged 44 years, or thereabouts, sayeth this 19th day of February, 1658:

"That, about half a year since, this deponent being at ye house of Mr. Richard Preston, and there meeting with Jacob Lumbrozo, he, this deponent, and the said Lumbrozo falling into discourse concerning our Blessed Saviour, Christ, his resurrection, telling ye said Lumbrozo that he was more than man, as did appear by his resurrection. To which the said Lumbrozo answered, that his disciples stole him away. Then this deponent replied, yt no man ever did such miracles as he. To which ye said Lumbrozo answered, that such works might be done by necromancy or sorcery, or words to that purpose. And this deponent replied to ye said Lumbrozo, yt he supposed yt, ye said Lumbrozo took Christ to be a necromancer. To which ye said Lumbrozo answered

nothing but laughed. And further this deponent sayeth nothing.

"Jurat die et anno supradict. cor. me,

"HENRY COURSEY."

"I, Richard Preston, Jr., do testify yt, about June or July last past, coming from Thomas Thomas's, in company with Josias Cole and ye Jew Doctor, known by ye name of Jacob Lumbrozo, the said Josias Cole asked ye said Lumbrozo, whether ye jews did look for a Messiah? And ye said Lumbrozo answered, yes. Then ye said Cole asked him, what He was that was crucified at Jerusalem? And ye said Lumbrozo answered, He was a man. Then ye said Cole asked him, how did He do all His miracles? And ye said Lumbrozo answered, He did them by ye Art Magic. Then ye said Cole asked him, how His disciples did so ye same miracles, after He was crucified? And ye said Lumbrozo answered, that He taught him His art. And further saith not."

"This was declared before me, as in the presence of God, that it is true this 21st of February, 1658."

"The said Lumbrozo saith: that he had some talk with those persons, and willed by them to declare his opinion, and by his profession, a Jew, he answered to some particular demands then urged. And as to that of miracles done by art magic he declared what remains written concerning Moses and ye Magicians of Egypt. But said not anything scoffingly, or in derogation of Him, Christians acknowledge for the Messiah.

"It is ordered, that ye said Lumbrozo remain in ye Sheriff's custody, until he put in security, body for body, to make answer to what shall be laid to his charge concerning those blasphemous words and speeches, at ye next Provisional Court; and yt the persons be then present to testify, viva voce, in Court.

"Mittimus,—To ye Sheriff of St. Mary's County, according to the order Supradict."

N. B. The reader will observe, that Ri. Preston, a Quaker, simply declares.

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In consequence of the general pardon accompanying the proclamation in favor of Richard, the son of the Lord Proprietor issued a few days after the accusation, Lumbrozo was released from the custody of the Sheriff and the case never again came to trial.

The antipathy and prejudice in the province was not directed against the Jew alone. The hand of Protestant was raised against Catholic in a disturbing and alarming manner. At times lovers of liberty doubted the wisdom of referring to the province as "The Land of the Sanctuary." In the records of the High Provincial Court, a case is preserved which sheds much light upon the domestic, social, and religious history of the period. Father Fitzherbert, a Roman Catholic priest, was charged with practicing his religion and attempting to bring into the fold erring members. His defense under the Toleration Act was that "Preaching and teaching was the free exercise of every churchman's religion." The opinion of the board was that the priest "had neither exercised rebellion nor mutiny to utter words."

Toleration and coercion alternated frequently in the province. Maryland became Episcopalian in 1692 and church membership becoming prerequisite to citizenship in the colony.

As in the present time, the Jews who came to the province flocked to the larger towns; this is reflected in the Annapolis charter granted in 1708. The charter conferred the right of suffrage on all persons who possessed a certain amount of property. The only formality required was an oath of loyalty to the city.

In the year 1715 the Legislature passed an act providing that an oath ending "upon the true faith of Christian," should be administered to all persons enjoying or who might subsequently enjoy any office or place of trust within the province. In 1716, a stronger religious test was enacted; the oath was styled one of allegiance, abhorrence and abjuration. A Catholic who adhered to his faith could not readily take the oath; incidentally, the Jew was barred even more effectually. Ancient prejudices had a strong influence

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over the minds of the rulers of the colony and the Catholics because of their large numbers felt their disabilities keenly.

The Toleration Act of 1649 was somewhat modified by the Act of 1723, in that the death penalty for denying the divinity of Christ was not to be imposed until the third offense. The first offense conditioned that the guilty person was to be bored through the tongue and fined; and the second offense rendered one liable to be stigmatized by the burning of the letter B in the forehead. Until after the adoption of the Constitution this act remained in force, although there are no records of its actual enforcement.

It must be said to the credit of the Catholics in Maryland that when they were in power they showed far more liberality in civil and religious matters than either the Puritans or Episcopalians. This is evidenced by the Act of 1676 rendering perpetual the Toleration Act of 1649.

The Catholics in Maryland were made to suffer terrible persecution following the Revolution of 1688 when William and Mary succeeded to the British throne following James II. In the year 1692 an act was passed establishing the church of England in Maryland. By an act of assembly passed in 1696 this law was repealed. His majesty dissented to this act. In 1702 an act was passed at Annapolis providing for the establishment of religious worship in the Province according to the church of England and for the maintenance of Ministers. This act continued in force until the Revolutionary War. It also provided that all taxables should pay forty pounds of tobacco to the Minister of the parish. The act provided further that Protestant dissenters should be exempted from penalties or forfeitures on account of their dissenting. At the same time laws were passed "To prevent the growth of Popery." In 1716 an act was passed for the better security of the peace and safety of his Lordship's Government and Protestant interest" this law proscribing Catholics altogether from office. There is no doubt that it was this measure which gave birth to the origin of the religious test and which prevented the Jews from holding office for many years.

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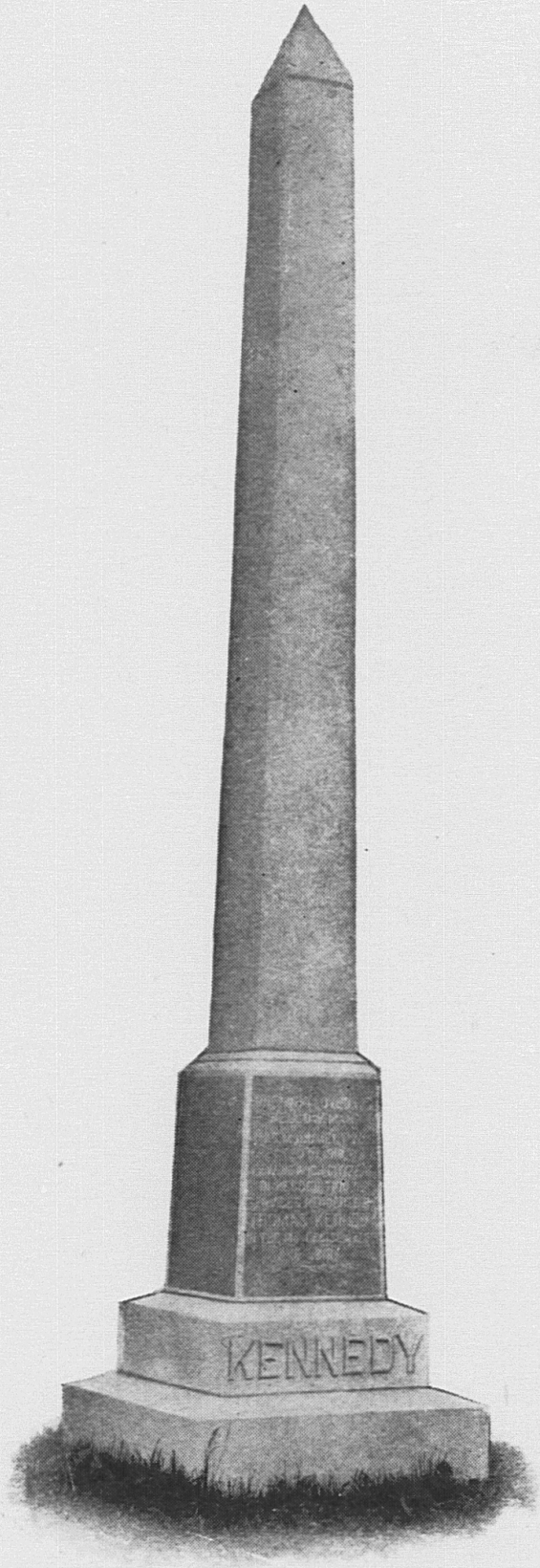

THOMAS KENNEDY'S MONUMENT

HAGERSTOWN, MD.

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Catholics were to be disfranchised completely for at the session of 1718 an act was passed which after complaining of the "increase of professed Papists and apprehensive that Catholics" would so increase in the province as well as in the City of Annapolis it provided "that all professed Papists whatsoever, be and are hereby declared incapable of giving their vote in any election of a delegate or delegates, unless they first qualify themselves by taking and subscribing the oath of abjuration and declaration. To prevent the increase of Catholics twenty shillings sterling was imposed as a duty on all Irish Servants brought to Maryland by land or water. This section was later repealed as to Protestants but an additional duty of twenty shillings current money was imposed on Catholics and to discover them the oath of abjuration was to be administered, and when lands were taxed to raise supplies for public expenses those of Catholics were taxed double the sum paid by Protestants. And to cap the climax, the finest sensibilities of the human heart and conscience were outraged by an act passed in 1715, by which the children of a Catholic widow, or one who intermarried with a Catholic could be torn from her arms, taken from her protection, and put under the guardian care of a Protestant, to be brought up in that religious faith.

The act was persecution with a vengeance and will forever remain a blot upon the escutcheon of this fair State and when one considers the fact that these iniquitous laws were passed in the name of Christianity and for the support of religion one becomes reconciled to the mouthings of the bigots of our own day. The history of the province shows that for nearly sixty years the Catholics were held in religious bondage. The day of victory for our Catholic brethren came at last when America began her fight for Independence. No people in Maryland were more ardent and heroic in offering their blood and property during the War of the Revolution; none were more patriotic or zealous in fighting for the principles of 1776. The religious test as to Catholics was abolished; the church of England was no longer the estab-

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lished church and taxation for its exclusive support was abolished.

There is little doubt that it was to satisfy the Catholics of Maryland that the 35th article of the declaration of rights was inserted, to wit, "that no other test or qualification ought to be required, or admission to any office of trust or profit than such oath of support and fidelity to this state, and such oath of office as shall be directed by this Convention or the Legislature of this State and a declaration of a belief in the Christian religion." It can be presumed that had "no other test"—no other religious qualification existed previously to the Revolution in Maryland no test would have been required, other than an oath of fidelity to the State. This is so as evidenced from the fact that religious tests were not required in any other State except Massachusetts.

That the thinking men and enlightened minds of Maryland were happy to see proscription of the Catholics abolished and persecution ended is revealed by the fact that of the distinguished men who signed the Declaration of Independence Charles Carroll, of Carrollton, was a Catholic and the second governor under the new constitution, Thomas Sim Lee, was also a Catholic. Some years later when the lovers of liberty and freedom made war upon the religious test which was to liberate the Jews of this State from the shackles of bigotry none were more ardent and loyal in the State than the Catholics.

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CHAPTER II

"A SET OF PEOPLE CALLED JEWS"

The spirit of liberty which prompted the Declaration of Independence was abroad in the land but so deeply was the idea of the connection between church and State imbedded in the minds of the colonists in Maryland that they could not forego making Christianity the recognized religion of the State. Though there was no direct provision in the first constitution of the State adopted in 1777 against the Jew, it vouchsafed no rights to the Jew. While the Bill of Rights admitted in one breath that it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, in the other, it assured protection and religious liberty only to Christians. In another clause, it was provided that a declaration of belief in the Christian religion should be made by anyone desiring admission to any office of trust or profit in the State. A similar declaration was required by the first naturalization act passed in 1779. Several acts passed later conferred many of the rights of citizenship on persons who immigrated into Maryland; the restriction, however, in regards to holding office in the State, and the provision assuring protection to persons professing the Christian religion was still in force. Not until this Commonwealth ratified the Constitution of the United States and Congress passed a uniform naturalization law under it could a Jew who lived here become a citizen of the United States. Though he could thereafter hold office under the United States Government, he was still ineligible to take part in the government of the State. The struggle for this right which lasted for more than a quarter of a century attracted the attention of thinking people throughout the entire country: the bitter and long-continuing

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battle brought Maryland into ill-repute with her sister-states.

The first attempt to remove this disability of the Jew was made in 1797 when Solomon Etting, Bernard Gratz and others, sent a petition to the Legislature setting forth that "they are a set of people called Jews and that they are thereby deprived of many of the invaluable rights of citizenship and praying that they be placed upon the same footing with other good citizens."

The committee to whom the petition was referred reported that the request appeared to be reasonable on its face; nevertheless, it involved an important constitutional question and it therefore submitted to the Legislature the propriety of taking the subject up for general consideration at the advanced stage of the session. In 1801 a similar petition was referred to a committee and apparently got no further. The following year the effort was renewed with the result that a bill was reported, but it was later rejected. In 1803 a bill was again reported and its consideration was postponed until the next General Assembly. When it was again taken up the bill met the same fate as the first one. It was plainly evident that to continue the effort at that time to remove the disabilities of the Jew would have been in vain. In each session there was a class of men to whom reason appealed not and to whom the pleadings for justice went unanswered.

No further attempt to introduce the bill was therefore made until the year 1817. In the meantime conditions had changed. In 1810 an amendment was adopted to prohibit the levying of a tax in support of the Christian religion which the Constitution had theretofore permitted. The Jews, as the years passed, increased in number, and though there were perhaps little more than one hundred in the entire State in 1817, there were several prominent men who felt their disability keenly. They were humiliated at the fact that although one of their number could aspire to the highest office in the land yet he was denied the position of a village constable in the State where he lived and flourished. The Jews gradually became more important commercially and won the sympathy of some of the leading men of the State.

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In this connection an interesting incident may be mentioned which carries us back to Revolutionary times, and is connected with the name of Jacob Hart, one of a number of patriotic merchants of Baltimore. Whether he was the only Jew of the group is unknown. The incident is briefly referred to as follows, in a letter written by Lafayette to Washington, April 18, 1871:

"To these measures for punishing deserters, I have added one which my feelings for the sufferings of the soldiers and peculiarity of their circumstances, have prompted me to adopt. The merchants of Baltimore lent me a sum of about £2,000, which will procure some shirts, linen, overalls, shoes and a few hats; the ladies will make up the shirts, and the overalls will be made by the detachment, so that our soldiers have a chance of being a little more comfortable. The money is lent upon my credit, and I become security for the payment of it in two years' time, when, by the French laws, I may better dispose of my estate. But before that time, I shall use my influence with the French court, in order to have this sum of money added to any loan Congress may have been able to obtain from them." The following entry, "Accounts of the United States with the Superintendent of Finance" (Robert Morris), serves to identify the merchants: "May 27 (1782) Jacob Hart and others for the Repayment of Money Loaned the Marquis de la Fayette at Baltimore, 7,256 dollars."

Further details appear from the following passages in the Journals of Congress, vol. VII, p. 86: Thursday, May 24th, 1781. On the report of the committee to which was referred the matter is found the letter from Major Gen. the Marquis de la Fayette. The committee recommended the following resolution:

"Resolved, That Congress entertains a just sense of the patriotic and timely exertions of the merchants of Baltimore who so generously supplied the Marquis de la Fayette with about 2,000 guineas, to enable him to forward the detachment under his command; That the Marquis de la Fayette be assured that Congress will take proper measures to dis-

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charge the engagement he has entered into with the merchants."

Markens, in his "Hebrews in America" (p. 93), briefly refers to the incident, describing Hart as a Hebrew of German birth, who came to this country in 1775; he was the father-in-law of Haym M. Salomon, son of the patriot, Haym Salomon.

A search through the directory of Baltimore, "The Baltimore Town and Fells Point Directory" of 1796, by Thompson & Walker, gives the following names of Jews, their occupations and residences:

Etting, Shinah, widow, boarding-house, 3 Baltimore st.; Etting, Solomon, merchant, 15 S. Calvert st.; Etting, Reuben, dwelling, East st.; Etting & Kennedy, milliners, 53 Baltimore st.; Jacob, Moses, dry goods store, 83 Baltimore st.; Jacobs, Samuel, tailor, 34 S. Calvert st.; Jacobs, Joseph, hack carriage keeper, 10 S. Gay st.; Itzchkin, Philip, hack carriage driver, 203 Baltimore st.; Kahn, 50 N. Howard st.; Koffman, Abraham, inn keeper, 4 N. Gay st.; Levy, Jacob, broker, store and dwelling, 242 Baltimore st.; Raphael Solomon, inn keeper, Old Town, 4 Bridge st.; Robinson, Rachel, widow, Fells Point, Ann st.; Robinson, Ephraim, flour and grocery store, 110 Baltimore st.; Solomon, Isaac & Levy, hardware store, 112 Baltimore st.; Solomon, George, drayman, 41 N. Gay st.; Wolf, Philip, butcher, Dutch Alley.

While not numerous, yet to them may be attributed a considerable share of the early commercial and industrial growth of Baltimore.

In 1812 the Jews of Baltimore were prompt to answer the rallying cry for patriots to fight the British. The declaration of war by the United States against Great Britain produced considerable excitement and the General Assembly pledged the lives and fortunes of its citizenship for the cause. Large sums of money were subscribed by citizens for the defense of the city and the small Jewish community was liberal in its contributions. A distinguished British statesman had declared that "Baltimore was a depository of the hostile spirit of the United States against England."

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Admiral Warren had said: "Baltimore is a doomed town."

At the meeting of the Vigilance and Safety Committee formed in the Council Chamber of the City Hall on August 23rd, 1814, some of the Jewish people attended. Similar committees were formed in each ward. In the first ward there are four names and Solomon Etting, who was one of the public spirited citizens of the city, was the chairman.

The Etting family had indeed been conspicuous for public spirited and communal work. In 1798 Reuben Etting had been Captain of the Monumental Blues. Writing of Solomon Etting, chairman of the First Ward committee, Prof. J. H. Hollander of the Johns Hopkins University, has said: "His interest in public affairs was keen and sustained; his intercourse and friendship with persons engaged in public life large and intimate, and his concern for the full emancipation of the Jews of Maryland intense. He was the author of the successive petitions for relief and the proposed constitutional amendments that besieged every session of the General Assembly from 1816 to 1826. He was the moving spirit of the sharp legislative struggle that followed each effort and it was his personal friends, largely out of respect for him who led the successive contests."

An examination of the roster of the men who defended the city of Baltimore against the onslaughts of the British indicate many Jewish names. Some of these names are as follows:

Mendes I. Cohen, private; Philip I. Cohen, private; Samuel Cohen, Jr., sergeant; Israel Davidson, Samuel Etting, private, wounded at Ft. McHenry; Samuel Solomon, Solomon Meyers, Jacob Moses.

These Jews marched shoulder to shoulder with their non-Jewish comrades, as American citizens and patriots on the 12th of September, 1814, in the battle against the British, and by their valor, under the guidance of a kind Providence, insured once more and forever the independence of the United States of America.

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CHAPTER III

ISRAEL'S CHAMPION APPEARS

In Baltimore City, where the majority of Jews lived, disqualification to hold office or practice law was a poignant and distressing circumstance; it was a live topic of conversation both among the Jews and non-Jews. This situation had been repeatedly adverted to by the press of the State.

The Jews in Baltimore were highly regarded by their fellow townsmen. They were considered worthy and desirable citizens. Their patriotic and unselfish spirit; their prompt recognition of communal wants, and their quiet and unassuming behavior endeared them to the people of Baltimore. Hence the inability of a Jew to hold a public office was bound sooner or later to be a disturbing factor in local and state politics. Strange as it may seem Maryland was probably the only State in the Union which had such an intolerant provision in the State Constitution.

But it remained for a man from Washington County—Thomas Kennedy by name—to battle valiantly and finally succeed in obtaining for the Jews of Maryland full civil and political rights. The liberation of the Jew from religious intolerance in Maryland became his life-work. Both in speech and verse he referred to the glory of the Israelite, although, as he frankly confessed, in his famous address in the House of Delegates in 1818, "that he had not the slightest acquaintance with any Jew in the world." Single-handed, at first, he proceeded to right "this fearful wrong" that deeply stirred his mind and pained his heart.

Just how deeply he felt the discrimination and plight of the Jew can be gleaned from a letter written on May 28th, 1826, after the battle had been finally won in the General Assembly, and recently found among his personal letters:

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"I have seen the first of my wishes as a public servant gratified by seeing the principles of civil and religious liberty established in the United States, and in seeing persecuted Children of Israel placed on an equality with their fellow citizens," he wrote. "This was, indeed, my dearest wish, and, since I have had it gratified I am determined henceforth never to murmur in or out of office, but to submit contentedly to the voice and wishes of the people."

For eight long years Kennedy fought against inveterate hate and tremendous odds to put through his "Jew Bill," as the measure came to be known. The justice of his cause, his burning eloquence, his passionate lyrics dedicated to the cause of freedom and liberty gradually attracted some of the leading men of the State, particularly John V. L. McMahon, John S. Tyson, H. M. Breckenridge and Col. Worthington who joined in the fight to help him break the shackles of bigotry and destroy the poisoned fangs of superstition.

Kennedy was the son of William Kennedy of Paisley. Scotland. He was born in Paisley, Scotland, on November 29th, 1776, a momentous year in American history and a fitting one for this apostle of freedom. This historic old place with its ancient abbeys and monasteries situated on the beautiful banks of the Cart, is famous in Caledonian history. It was the birthplace of Tannahill, who filled the sweet air in the braes of Gleniffer with his music. The sweet songs of Ramsey, Ferguson and Burns and other Scottish poets.

"The place where many a rural bardie sung,
Whase name ou'r a' the warl' lang hae rung"

filled his young mind with sweet hope and youthful encouragement. The French Revolution undoubtedly had its effect upon him. He came to America when he was 20 years old, having left his home in Paisley on April 18, 1796. He embarked at Glasgow in the ship Britannia, bound for Georgetown on the Potomac River. His motive in leaving

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home seems to have been a romantic desire to live in the "land of freedom." His ambition in life, he wrote a few years later, was to spend his days "In virtue's service and in Freedom's Cause." His brother Matthew had already gone to America a good many years before. For twelve years no news had been received from him and his parents thought he was dead, but in 1795 a stranger brought a letter to his parents from him, giving a good account of himself and his prospects in America. His brother John sailed from Port Glasgow a few days before Thomas left and landed in New York the day Thomas landed at Georgetown. The voyage consumed thirty-eight days. As the *Britannia* cast anchor at Georgetown on the 28th day of May her guns were fired. This brought the inhabitants of the village down to the waterside. Kennedy was the first of the passengers to jump from the captain's jolly boat upon the shore, "glad," as he says in his journal, "glad, once more to tread on solid ground—and that too in the land of liberty." As he landed a tall man accosted him and asked where the vessel was from. He understood the man to ask where he was from and answered "from Paisley." The stranger then with great eagerness inquired of Mr. Kennedy his name. "And while he was speaking to me," continued the journal, "I thought fortune had brought to me my brother Matthew whom I had not seen for eleven years, and on that supposition I told him I thought I knew him and then let him know my name; but it was with difficulty I could persuade him I was his youngest brother (for the said person was indeed the same I supposed)." The mutual happiness caused by this meeting can be easier conceived than described. Thomas then went to his brother's house, which was in Georgetown and became acquainted with his family, a wife and child. "After drinking some republican whiskey," he later wrote, "I sat down to dinner and feasted on some wholesome fare, the product of Columbia and began first of all with luncheon made of Indian meal and well known by the name of poan." In the afternoon he went through the village and the following Sunday crossed Rock

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Creek to view the Federal city, Washington. Washington was then a wilderness. The only buildings completed were a row known as the "six buildings." The President's House and Capitol were begun but were not yet under roof. One grog shop was in a temporary shed near the White House and that was all of Washington just 112 years ago. Kennedy soon obtained employment as bookkeeper for a merchant in Georgetown and later for a contractor who built the bridges across the Potomac at Little Falls. Subsequently we find Kennedy working for the Potomac Navigation Company. Whilst in the employment of the last concern, he met Miss Rosamond Thomas of Frederick, who was visiting near the Great Falls. Kennedy was smitten with her charms and after a few years married her.

In the year 1800 when Thomas Jefferson introduced an act to establish religious liberty in Virginia, Kennedy was inspired to write a poem, entitled "The Song of Liberty." Referring to Jefferson, he sang:

Acting in a noble cause,
He abolished cruel laws;
Set the mind and body free,
He's the son of Liberty.

Few like Jefferson we find
Among the sons of human kind.
Friend of peace and honesty
Is the son of Liberty."

Kennedy wrote many sentimental and love songs; numerous stirring and patriotic melodies on Liberty. Some of them were rough and unpolished lays, but all breathing his warm, liberal, passionate feelings. In his prologue of his first book of poetry published in 1800 he sang:

"If in some future time, some distant age,
These strains shall still some pleasing thrill impart,
E'er sorrow sooth, or cheer a drooping heart,

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E'er stop a struggling sigh, or check a tear,
I will be blest—such fame is truly dear
And such the laurels that I wish to wear."

But interesting and heart-feeling indeed is the dedicatory epistle set forth to his parents—William Kennedy and Grizal, his wife. It distinctly reveals the lights and shadows of the man; his tender and pure heart; his nobility and splendor of soul. Addressing his "ever dear parents," he says:

"Without love, yet without the fear of refusal, I respectfully dedicate to you the contents of this volume which is not yet half finished; however, I offer all that has been, or is to be composed, until the time of publication, if that period ever arrives.

"For to whom am I under so many real obligations? To you I owe my birth—the care of my infant years—my education—my all. Your pious instructions enforced by noble examples, have guided and guarded me through life, and though amidst the follies—the faults and failings of youth, they have sometimes been neglected, yet they never were wholly effaced from my memory, and in the calm moments of reflection they served to convince me—that the paths of virtue were also the only paths to peace and true pleasure.

When remembrance calls to mind your truly amiable qualities, I am almost tempted to say: Why was not your situation in life equal to your deserts? Yet I have never heard you murmur or repine at your lot, but, on the contrary, you daily expressed your thankfulness for the blessings Heaven had bestowed; let me, therefore, follow your example, conscious, though at present, riches and honors fall as often to the share of the mean and undeserving as to the worthy and the good, that there is a time fast approaching when mankind will be placed on their true level, and then I boldly say, that you, my dear parents, will stand on commanding ground; that few, in comparison, will be found your equals; superiors, alas! where are they?

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By your own industry—without the aid of any other speculation than that arising from the labor of the hands—you have raised and supported a family of 12 children. Eleven grew up, and you gave them all a useful education. Your youngest is the writer. You have had to part with all of them. In the East Indies death robbed you of one son; in the West Indies of another—your three daughters and two other sons died near you—and the rest have removed to different parts of the globe; far distant from you. Parents only can tell what parents feel when death tears their much loved offspring from them forever, or when they part, perhaps, never to see each other again.

My father, with honest pride, I often think of your worthy character and with pleasure say that I would not exchange, no, not to be the son and heir of the illustrious Washington. To a rigid adherence to honesty as the best policy, to an unbounded charity towards mankind in general, to benevolence, where although your gifts are small, they were freely given to a life strictly temperate in every respect—you added the walk and behavior of a true Christian. Your conduct universally had a tendency to promote the cause of religion, and though firm in your own principles—though ready to give an answer to every one who asked you the reason of your hopes, yet you never descended to be a persecutor, or to behave illiberally towards those who differed from you in sentiment. Among your friends were some of the wisest men of the age, need I name among others your intimacy with the worthy Witherspoon, once your reverend pastor, who removed from a seat of persecution to the United States, and who was instrumental in assisting this country to gain her independence. My mother! Oh! May God bless her declining years, and let her die in thy good time in peace! My mother, I cannot cannot write. When I think on your goodness of heart—your kindness to me—your youngest, your darling—I cannot sufficiently give vent to my feelings or express my affection in a becoming manner. You have indeed been a mother to us all, by you we were all taught to read, by you we were taught to love one another.

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You have had to part with all your children—yet at no time have I ever seen you shed a tear on the occasion—your grief was deep and silent. But on the return of a long absent boy—the tears of joy would trickle down your cheeks—the heart was then too full to say much. How often have you employed me as your little agent in distributing from your own scanty portion, a share to the sick, the miserable, or the poor, even at an age when I knew not the meaning of the term benevolence—your uncommon goodness in this respect made such lasting impression in my mind, that no distance of time or space can ever efface them.

My dear parents; were I to dwell on your worthy characters, those who are unacquainted with you might suspect me of flattery, but flattery I despise and motives of interest can have no weight in this dedication—perhaps it may, never be seen by either of you, and if it should, all I ask from you is—your blessing.

If ever the following pieces entitle your son to fame, that fame he wishes you to share, and truly famous will he be—if he lives a life like you, a life that will lead to citizenship in a country where humble modest merit shall be exalted."

Little did the Jews of Maryland, smarting as they were under the sting of political boycott, realize that in a short time, there was to appear the heroic figure of this Nineteenth Century David, who was to smite the Goliath Prejudice that stirred the General Assembly. When the outlook appears darkest in the Diaspora it would seem that some illustrious figure, with a mind and spirit of faultless rectitude invariably appears to make the burdens of Israel lighter. This time it was Thomas Kennedy from the hills of Western Maryland. With an exalted reverence for the letter and spirit of the Fourth Commandment, an inborn love for the principles of freedom and virtue, this man proceeded, with unflinching courage, indomitable will to "right a fearful wrong."

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CHAPTER IV

THE FIGHT FOR RELIGIOUS LIBERTY

Kennedy was elected as a delegate from Washington county in 1817, and soon began to prepare for his great battle to remove the disabilities of the Jew. After making a study of the constitutions of the different States, he said he was "amazed to find an intolerable situation in Maryland." That a man should be deprived of the right to hold public office because of his religion was incomprehensible to him; he determined to fortify himself with the necessary facts and then commence the struggle. On December 9th of the following year, a few days after the convening of the Legislature, he introduced a resolution calling for the appointment of a committee to consider the justice and expediency of "placing the Jewish inhabitants on an equal footing with the Christians." The other two members of the committee, of which Kennedy was chairman, were Henry M. Breckenridge of Baltimore city, and Ebenezer S. Thomas of Baltimore county. His associates were won over by Kennedy. The committee several days later submitted a masterful and learned report profound in its analysis and incontrovertible in its facts. This document, which might have been echoed from the heart of the modern day Zionist, created a profound impression upon the thinking minds of the State. But much work had to be done before the issue could overcome the prejudices of many of the legislators.

In the report, Kennedy and his committee said there was only one side to the subject. In society, mankind has civil and political duties to perform, but with regard to religion, that is a question between man and his Creator alone. There is no law that can reach the heart—no human tribunal has a right to take cognizance of this matter.

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"But if we are Christians," the message which had been prepared by Mr. Kennedy said, "we must believe that the Jewish nation will again be restored to the favor and protection of God. The story of that wonderful people, from the days of Abraham unto the present time, is full of interest and instruction; their first emigration into Egypt; their leaving that country for the land of Canaan; their passage through the Red Sea; their journey in the wilderness; their settlement in Canaan; their captivity at Babylon; their restoration and final dispersion, afford a theme that never has been, never can be exhausted. They were once the peculiar people of God, they are yet a peculiar people; though scattered and dispersed in every country and in every clime, their future state will no doubt be more glorious than ever. And he who has led their fathers through the deserts, has promised to lead them again to their native land. He who raised up and called Cyrus by name, can by the same power and with the same ease, raise up a deliverer to His once favored nation; and it is probable that the time is not far distant when this great event shall take place. Who that has ever contemplated the rise and progress of the Russian Empire, and noticed the decline and fall of Turkey, but will agree that wondrous changes will ere long take place in that part of the world; and when the Crescent shall submit to the Eagle, may we not hope that the banners of the children of Israel shall again be unfurled on the walls of Jerusalem on the Holy Hill of Zion?"

The bill was entitled, "An Act to extend to the sect of people professing the Jewish religion, the same right and privileges that are enjoyed by Christians." The act accompanying the report was made the order of the day for January 13th, 1919, but was postponed until one week later. The House proceeded to the second reading of the bill, and on motion by Delegate Wilson that the matter be held over until the next session was defeated. The bill was then read throughout and the question put by the Speaker—"Shall the bill pass?" Kennedy jumped to his feet and delivered an address which was irresistible in its logic and masterly

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in its reasoning. Although more than a hundred years have passed since, the speech could be read with profit by the scheming demagogues and religious fanatics of this day.

Kennedy did his best to stem the tide of defeat. Finally when the vote was taken, it stood 50 to 24 against the measure. Kennedy pledged himself to renew the fight. Elected to the Assembly the following year, he re-introduced the bill. It was again defeated by the decisive vote of 47 to 20.

Feeling deeply the sting of defeat but knowing that justice will ultimately triumph, Kennedy composed the following poetic address "To the Children of Israel in Maryland." He sent several copies to several Baltimore Jews, whose virtues and merits he had been informed of by some of his Christian colleagues from the city.

When Israel's tribes,—Heaven's chosen people dwelt
In Pharaoh's land, and sore oppression felt;
When every scheme that tyrant power could frame,
Was tried to blot from Earth their very name
Murder most foul, was then a King's resort,
And helpless innocents were slain in sport,
In their distress to heaven they raised their cry,
And thanks to heaven there was a helper nigh,
A helper that relief did quickly send,
The God of faithful Abram was their friend.

Yet when to Pharaoh came Jehovah's word,
To let his Israel go, to serve their Lord,
The haughty tyrant's heart was hardened so,
He would not let the chosen people go,
Till numerous plagues the Egyptian land destroyed,
While peace and rest the Israelites enjoyed,
And when the avenging Angel armed with wrath,
Visited each Egyptian house with death,
The bloody sign that night the lintels bore,
Made him Pass over every Hebrew door,
At last proud Pharaoh humbled did repent,

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And to God's people's wishes gave consent,
Then forth with joy and gladness Israel went.

The same sad scenes occur in later times,
The same oppressions and detested crimes,
Vile superstition with tyrannic sway,
To deeds of death and darkness leads the way,
While bigot prejudice, and jealot pride,
Join in her train, and triumph at her side,
And with blasphemy, not to be forgiven,
Pronounce their hellish cause . . . the cause of Heaven,
On them the example of old Pharaoh's lost,
Their hearts are harden'd like the Egyptian host,
Their fate may too as sudden, awful be,
They too may perish in a stormy sea;
Sink in the mighty waters like a stone,
By Israel's God in vengeance overthrown.

Why does short-sighted man still make pretence,
Laws to prescribe for high Omnipotence?
Usurp the powers that to I AM belong,
And in Jehovah's name do open wrong?
O, why will man thus sin against the light?
Who made the heart, alone can judge aright;
And every heart is in his mighty hand,
Turns at his will—obeys at his command.

Say who can feel or who can taste for me?
For me can any hear, or any see?
Who then can act for the more noble mind,
That ranges uncontrouled and unconfined
Through Earth's vast space and visits realms unknown,
Bursts heaven's high gates and worships at the throne,
Beholds the glories of a future state,
Prepar'd for all the truly good and great.—
Man—foolish man attempts—attempts in vain,
This offspring of the Deity to chain—

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Man may make hypocrites—but man can ne'er,
Make a true convert—penitent sincere—

I blush for Christians that they should forget,
The Golden Rule—their great Law-giver set,
That they the precious precept should condemn,
Which their ador'd Redeemer taught to them—
Do unto others—as you'd wish they'd do
In the same situation unto you—
And those this just command who disobey,
Seek not for Heaven in the true Christian way.

Ye seed of Abram whom the Lord did choose,
Ye sons of Israel, hear a friendly muse—
To you she sings though in a humble strain,
And weeps with you o'er Babel's streams again,
With you in sad captivity she roves,
O! could she sing the song that Zion loves!
Yet faint not—Jacob's God is still your own,
Nor shall his people e'er be left alone;
His own Peculiar People he shall save,
While their oppressors all shall find a grave,
The time draws nigh, by ancient Bards foretold,
The Blessed day O! may we soon behold—
The midnight's past . . . the dawn is near at hand
And Israel's tribes shall seek their native land,
The time draws nigh . . . O' may it quickly come,
When Israel's God, shall call his Ransom'd home,
When Zion's Mount and Salem's towers shall ring,
With shouts of joy to Israel's holy King;
When from all lands the willing tribes shall flow,
And to the house of God in triumph go,
Captivity, shall then be captives led,
And every blessing on the land be shed—
The streets of Salem shall again rejoice—
Crowded with lovely girls and playful boys,
The aged too upon his staff shall lean,

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Worship his God—and bless the happy scene,
He who has promis'd this—His word is sure,
"His Mercy does from age to age endure."

In your own land when thus securely plac'd,
When every blessing you and yours shall taste,
When fix'd forever is your Country's fate,
Adorn'd with all that's good, and all that's great,
Will no soft sighs some former scenes recall?
Will no kind tears from eyes of friendship fall?
Is there no land on Earth will cause regret?
Is there no land you never can forget?
While fond remembrance cry—We love her yet?
Yes—Yes—There is a Land-belov'd-most dear,
A Land that you and yours will still revere:
'Twas there you first a safe asylum found,
'Twas there you first were plac'd on equal ground;
The Glorious work was there at first begun,
That shall unite Gentiles and Jews in one—
Home of the Brave—the Land of Washington.
And when on days of gladness and of joy,
The songs of Zion shall your harps employ,
When Israel's daughters in their charms advance
To join the choir—or lead the mazy dance
When sportive mirth and laughing pleasure reign,
The Minstrel oft shall choose a fav'rite strain,
Then "Hail Columbia"—thrilling found shall use,
While listening crowds with plaudits rend the skies,
The ways of Heaven are hid from mortal eyes,
And blessings oft times reach us in disguise,
Your sufferings and your persecution tends
To increase the zeal and number of your friends,
They will increase until your feeble foes,
Your claims to justice shall no more oppose,
In times when dangers great did most abound,
In Israel's God your father safety found,
He was their rock—their stay—their sure defense,
He brought them comfort and deliverance,

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Then trust in Him and patient wait his will,
He will e'er long his promise fulfil.
He will not leave you—he will soon restore
His presence shall be with you evermore.

After Kennedy's return to Washington county he found that his political enemies had sown a whirlwind. He was bitterly assailed as being "an enemy of Christianity," a "Judas Iscariot," "One-half Jew and the other half not a Christian," and "if he should be re-elected he would renew his shameful attack upon the Christian religion." But Kennedy still found that he had maintained his popularity and he was returned to the Legislature. Through his able generalship and burning eloquence the bill passed the House of Delegates for the first time in 1822. It went through by a slender majority and, under the Constitution it had to be approved by the next Legislature before becoming operative; hence, it became the issue before the people at the election for members of General Assembly in 1823. Kennedy by his speech in the House made the question a burning issue in the whole State and every political subject that had agitated the Assembly and people were made subordinate to the "Jew bill," as it was called.

In concluding his speech in the House on January 10, 1823, Kennedy said:

"For the present then I will pause to hear what others have to say. A few short years, Mr. Speaker, you and I and all who now hear me must leave this transitory scene. Let us then pass this bill, let us pass it unanimously. We will never repent it, even on a dying pillow. It will comfort us to think that we have done at least one good act in our lives, that we have been instrumental in establishing religious freedom in Maryland, that we have broken the yoke of superstition and prejudice and let the oppressed go free, and that we have caused happiness to many an anxious heart.

"Lay old superstition low,
Let the oppressed people go,

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To the bill let none say no,
Aye unanimously.''

The bill did not pass.

The following unsigned memorial was read to the Assembly preceding the debate. It was the first direct appeal to the Legislature of Maryland by Jews for equal political rights. For some unexplainable reason no names appear on the memorial. It follows:—

TO THE HONORABLE THE GENERAL ASSEMBLY OF MARYLAND.

THE MEMORIAL OF THE SUBSCRIBERS, CITIZENS thereof,

RESPECTFULLY REPRESENTS:

Your Memorialists are of that class of the Citizens of Maryland, long subjected to the pressure of political disqualifications, by the operation of a religious test in the Constitution of the State; and they approach your Honorable Body with this their prayer, that an Act passed the 29th of January 1823 ''to extend to all the citizens of Maryland the same civil rights and religious privileges that are enjoyed under the Constitution of the United States,'' may be confirmed by the present session, becoming thereby part of the Constitution.

Your Memorialists, feeling it incumbent on them at this stage of the proceeding, address themselves on the subject, to your Honorable body, in the honest confidence, which the American is educated to entertain in his fellow citizens, and in the legislative guardians of his rights. It is not their wish, to obtain from your honorable body, a grant of exclusive privilege; because such a privilege would be hostile, not only to the principles of our institutions, but to the express provisions of that charter which we have all alike, sworn to support; but it is equal rights which they petition; their voice is not raised in favor, but in opposition, to ex-

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clusive privilege; they ask an equality of rights with their fellow citizens. If the disqualifications under which they labor, were imposed as the penalty of law for civil delinquencies, for habits of social intemperance, or a disregard of the obligations of religion, they would blush to murmur; but it is, as they humbly apprehend, the retribution for a too honest perseverance in conscientious faith, unmindful of political disqualifications, of social inconvenience, and of individual contumely; and this same manly and virtuous constancy which exerted in the cause of their Country, would entitle them to be honored as patriots, exposes them to proscription, when exercised in the service of the acknowledged God. They firmly flatter themselves, and have at length some reason to believe, that your enlightened Councils will suffer no longer, those strange anomalies to endure—that the period has arrived at last, when conscience and reason, the peculiar gifts of an Omnipotent benevolence, will be respected, and persecutions be abandoned to the Inquisitor and the Bigot. Are their doctrines immoral? They are the foundation of the general faith. Are they dangerous? It is no part of them to work conversions. Are they new? Ancient as the revelation of Almighty truth. Your Memorialists, with all humility, are at a loss to understand what there is so peculiarly exceptionable in these their tenets, as to have induced a solitary, but persevering departure, from the sublime system of our American political jurisprudence: why even at this moment, when the whole American pulse throbs with indignation at the civil and religious proscriptions, renewed and asserted in the old world, the good people of Maryland alone, should find it necessary or expedient, to continue for a moment, the disqualifications of any class of their fellow Citizens. Your Memorialists beg leave to remind your Honorable Body, that the honors of office in our happy Republic, are not assumed, but conferred; not usurped by guilty ambition, but bestowed directly or indirectly, by popular confidence; that to disqualify any class of your citizens, is for the people to disqualify themselves; can it be necessary, can it be wise or politic at this day, for the people

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Frankfurt am Main

to disqualify themselves on the score of opinion only, from consulting merit in the selection of their public servants?

Your Memorialists do not here propose, a voluminous discussion of the great principles involved in the question, which they desire to bring before you; because it is one, as they apprehend, at this day, almost universally understood. It is the same which has agitated like a tempest, the human family from its earliest existence; has armed the hands of men in wide and desolating wars; has stained nations and families with intestine crime; trampled the charities of life; and driven societies from their natural homes, to seek an asylum more hospitable, on the billows of the deep or amid the recesses of the desert; a question which, as it mainly contributed to populate this our common Country, was here first and fully understood; and one, the liberal and happy results of whose true nature, our own Maryland though too long misled upon the subject, evinced at the last session of her Legislature, and as your Memorialists trust, will again prove to the world on the present occasion, are deeply felt and thoroughly appreciated.

America, instructed in the school of adversity and oppression, and warned by the calamities of nations, has attained the haven of political happiness, by the guide of political wisdom. Moderate in her might, she has never sought to find in power, the foundation of new rights, but metes out to the weak the same measure with the strong. It was reserved for her to discover, that true policy consists in Justice, which, whilst it secures the confidence and devotion of her own Sons, entitles her to the reciprocity of the stranger. Above all, America has been the first to respect opinion and the human mind, that mysterious and sacred relation of sublunary Man to Celestial Wisdom; nor has thought to control the measureless elasticity of that principle, which created for exclusive allegiance to the Omnipotent alone, is beyond the reach of temporal restraints. America has wisely relinquished it to the insidious policy of regal governments, to make an instrument of religion; she has forever sundered the spiritual from the temporal concerns of men, and con-

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vinced mankind that disqualifications and persecution are only fruitful of disunion and hate;—toleration and equal rights, of good will and peace on earth.

Your Memorialists humbly apprehend that a peculiar and most important crisis hath occurred in the political world, and in the history of man; and if in the eastern hemisphere, his struggles for civil and religious liberty, hitherto ineffectual, have been smothered in their birth, it is now particularly important, that, successful throughout the west, no speck should endure upon the purity of that code, sublime in its nature, as in its origin, it is confessedly divine.

As fellow citizens of Maryland, as Brethren of the same human family; for the honor of the State, for the great interests of humanity; your Memorialists humbly pray at your hands, that the Bill before you may be confirmed.

The situation in Washington county was annoying to Kennedy and his friends; a perfect frenzy seized the people. Kennedy's opponents trickily made the people believe that it was a death struggle between Christianity and Unitarianism, which they avowed was a fancy cloak for Judaism. In one issue of the *Torch Light*, there were no less than fourteen different articles, written with a stupid degree of vituperation and intemperance, which is both shameful and regretful in our day, to contemplate. A "Christian Voter" asked the people of Maryland whether "we wish to strike from our laws the last clause which declares our profession of Christianity. The passage of the bill would sap the foundations of all we hold dear." A Native of Maryland declares "that all the twelve millions of this persecuted race which are scattered abroad throughout the whole earth are welcome to our country. We will be friends with them. We will give them anything but our country. We cannot make them masters over us."

How familiar and how similar are these Hamanese cries to the bigoted rantings of the Chestertons, Bellocs, Fords and Ku Kluxers.

The man who dipped his pen in vitriol deeper than any others, the man whose voice could be heard above all the rest

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in his defense of illiberalism and intolerance was Benjamin Galloway of Washington county. This peculiar man had headed the Christian ticket, and with him, standing for the same views, were Joseph Gabby, Joseph I. Merrick and James H. Bowles. Galloway fought his fight both on the stump and in the newspapers. This bigot maintained that the bill was an assault upon the Christian religion; that it would promote infidelity; that Thos. Kennedy was a native of Scotland, a country that was flooded with infidels. The approaching election, Galloway claimed, would decide definitely whether Christianity or Unitarians would govern Washington county and the State. He boldly proclaimed that he did not wish the support of any Jews, Deists, Mohammedans or Unitarians, but wanted every Christian to come forward.

The "Jew Bill" ticket was composed of Thomas Kennedy, Ignatius Drury, T. B. Hall and Thomas Kellar. They replied to Galloway in trenchant but polite manner. The eight candidates were invited to a "public spouting at Cold Spring, at the southern outskirts of Hagerstown." The candidates accepted. Kennedy and his associates had reason and justice on their side; the opposition trusted to passion and prejudice. The voters were in no mood to listen to reason and the so-called "Christian ticket" was elected by a large vote. The *National Intelligencer, Niles Register,* and other periodicals attributed the unfortunate result to a religious hysteria which had been artfully fomented by fanatical religious bigots. The better opinion of the community regarded Galloway's speech as a splattering of ridiculous misstatements.

Galloway published the following advertisement in the *Washington County Herald,* appealing to his fellow citizens to kill the "Jew Bill" and defeat its proponents, represented by Kennedy and his associates.

"To the Christian Voters of Washington County, State of Maryland:

"Highly respected fellow-citizens:

"Venienti Occurrite Morbo.

"Oppose the threatened disorder."

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"I am as decidedly opposed now to the confirmation by the next General Assembly, as I was during the late session of the present one, to the passage of the Act, which has been published for your serious consideration, bearing on its front the insidious title 'an act to extend to all the citizens of Maryland the same civil right and religious privileges that are enjoyed under the Constitution of the United States.'

"Messrs. Thomas Kennedy, Kellar and Drury, who zealously supported said act, at the last session, have lately presented themselves to your view in public prints, as candidates for your votes at the approaching election, with sanguine expectations (no doubt) of success. It was not, believe me, fellow-citizens, my intention to have again appeared before you as a candidate for a seat in the General Assembly, having arrived at the advanced age of three score years and ten; but, as to retreat at so very important a crisis might be considered by you as desertion, should you be disposed to elect me as one of your delegates to the next General Assembly, I will most unquestionably serve as such, and I will, in that event, vote in point blank opposition to the confirmation, as I did at the late session, to the passage of said (in my judgment) highly exceptionable act; and which I hold to be no more nor less than an attempt to undervalue, and, by so doing, to bring into popular contempt, the Christian religion.

Preferring, as I do, Christianity to Judaism, Deism, Unitarianism, or any other sort of new fangled ism, I deprecate any change in our State government, calculated to afford the least chance to the enemies of Christianity, of undermining it, in the belief of the people of Maryland. What could not heretofore be effected by Hooke, it seems, is now attempting to be done by Crooke.

"Yours respectfully,
"BENJAMIN GALLOWAY.
"Hagerstown, Washington County,
"Maryland, Aug. 18, 1823."

The editor of *Niles Weekly Register,* the then popular

periodical of Baltimore, advised his readers, in the issue of September 6, 1823, to "preserve the letter as a curiosity."

Galloway won.

The defeat of Kennedy, it was felt, throughout the State, meant the knifing of the "Jew Bill" in the forthcoming session. The *Niles Register,* under date of October 11, said, apropos of the victory of Galloway:

"With much regret we have to believe that the late elections in this State make it probable that our Constitution will not be amended, as proposed, at the next session, by striking out the religious test required of members of the Legislature and others appointed to office. It is a shame that in this enlightened day and in this free country, an attempt should be made, by government, to force the consciences of men, in matters of faith to prescribe the duties which they owe to their Creator."

With Kennedy absent in the House the Bill was defeated by a majority of 44 to 28, although in the State Senate, it passed by a vote of 8 to 6. Kennedy wrote to friends "that, although exiled at home, I shall continue to battle for the measure, aye, until my last drop of blood." He confined his lobbying principally to the upper chamber and the successful vote there revealed the man's powers.

Referring to the lost battle, *Niles Register* said:

"It is with extreme mortification we are compelled to state, that the bill to confirm an act, entitled an act to extend to all the citizens of Maryland the same civil rights and religious privileges that are enjoyed under the Constitution of the United States, has been negatived in the House of Delegates. It is believed that it would have passed if a considerable number of the members had not previously pledged themselves to vote against it, to gratify the prejudices of their constituents. Comment is useless. Indeed, the language that would be fitting for the subject, would be very unsuitable to the personal respect due to many worthy men who voted in the negative."

Not to be denied and with the spirit of a martyr, the following year Kennedy jumped into the fight as an inde-

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pendent candidate. The purging of the State Constitution was his battle cry and righteousness his emblem. He was elected.

The thinking and discriminating minds of leading citizens throughout the State rejoiced in Kennedy's return. The *Niles Register,* under date of February 25, 1825, said:

"Another attempt is being made in the Legislature of this State to relieve the Jews of the political disqualification to which they are now subjected by the Constitution. Surely, the day of such things has passed away and it is abusive of common sense, to talk about republicanism, while we refuse liberty of conscience in matters so important as those which have relation to what a man owes his Creator, as to the articles of his religious faith. But in Maryland . . . the doctrine promulgated by the Congress of '76, that all men are created free and equal is constitutionally pronounced to be false—because that it is artificial, whereby one man, in one county, may have ten times the political weight of another man, in an adjoining county. If the free citizens of the State were represented in the Legislature, this fragment of the barbarous ages, in respect to the Jews, would soon be stricken from the Constitution of the State."

A writer in the *Baltimore Patriot* who defended the Constitution, pronouncing it "as perfect as it can attain to, from the imperfection of our nature," was assailed from many quarters. The replies indicated that sentiment in favor of the bill was growing steadily from the hills of Garrett to the shores of Worcester. In Baltimore city it was difficult for most people to understand, how there could be opposition to the change in the Constitution. Discussing the bizarre letter in the *Patriot,* the *Niles Register* said:

". . . It was recently said that the late learned Chancellor Kitty, was the only man in Maryland that had, or could make out, a correct copy of the Constitution of the State, so much has the miserable thing been miserably hacked with dull scissors, and miserably patched with parti-colored stuffs, by bungling political tailors. The following, however, are some of the delectable provisions of this Constitution, which

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is as perfect as the imperfection of human nature will admit of!

It tyrannically, I had liked to have said impiously, interferes with the duties which are owing by man to his Creator, in the requisition of a religious test as a qualification for civil office . . . "

The sober sense of the people was being awakened gradually; newspapers and magazines throughout the country were branding the conduct of Galloway and his satellites as a "disgrace and a shame." Public men were writing letters to their friends bitterly scoring the opposition. At a previous session, a brilliant young lawyer, John Van Lear McMahon of Allegheny county, had delivered a speech which lasted five hours in behalf of the measure. The address held his audience spellbound. It was a masterly effort. It circulated beyond the boundaries of the State and many were the encomiums heaped upon the young but gifted orator. Newspapers like the *Natchez* (Mississippi) *Independent Press,* the *Virginia Republican,* published at Danville; the *Charlestown Patriot;* the *Philadelphia Freemen's Journal,* the *New York National Advocate,* all contained sharp editorials calling upon the people of Maryland to purge themselves of an ignoble stain. Letters, written by Thomas Jefferson on May 28, 1818, lauding the Jewish people, had been published in Maryland newspapers; the subject of religious freedom appeared to be better understood. Those immortals asked that "liberty of conscience prevail and that every narrow idea be annulled in religion, government and commerce."

It was but natural that shortly after the convening of the House, Kennedy should move for the appointment of a committee to consider the confirmation of the bill. To expedite the enactment of the law, however, he later had the House bill postponed indefinitely, in favor of a similar measure which had been fathered by Reverdy Johnson in the Senate. When the confirmatory bill was ready to be put to a vote on January 5th, 1826, Kennedy arose with the native modesty, which was one of his finest characteristics, and dis-

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claimed all honor for bringing the subject before the Legislature. Kennedy's address was again illuminating and inspiring, as was that of John S. Tyson of Baltimore city, who prayed for immortality on what he had to say in order that "Thomas Kennedy's glory may be perpetuated to posterity." None dared to reply and the bill was passed by a vote of 45 to 32. Thus came to a glorious end this great Marylander's struggle for religious liberty. The amendment not only did away with the religious test as a qualification for office, but repealed, in effect, the provision in the Bill of Rights, assuring protection only to persons professing the Christian religion.

Great rejoicing prevailed in many parts of the country, and particularly in Baltimore city, over the passage of the bill. It meant the birth of genuine religious freedom in Maryland. Many letters and messages of thanks and felicitations were received by Kennedy and the members of the General Assembly who had supported him in his stand. There was a feeling that a new era was about to occur in the Commonwealth. At the same session many laws of benefit to the people were enacted. The names that were found in support of the "Jew Bill" were distinguished in the history of the colony and the State; many of their descendants in this age are in the forefront of things industrial, political, professional and charitable.

Those who voted for the measure were: Messrs. Semmes (Speaker); Kilgour, Millard, Hawkins, Gough, Welch, Bowen, Wickes, Maxey, Estep, Beckett, Brooke, Dalrymple, Smith, Chapman, Rogerson, Edelen, Worthington, Beall, Duvall, Barrette, Stevens, Sudler, Cockey, Barnes, Sappington, Farquhar, Williams, Hall, Howard, Tyson, Kennedy, Lansdale, Lee, Hughes, Wilson, Perry, Reid, Blair and Armstrong.

"The affairs of our State begin to have an improving appearance," proclaimed the *Niles Register*, under date of January 14, 1826. "A spirit is abroad to favor the making of roads and canals; and the bill which passed the Senate, almost unanimously, for the political liberation of persons

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

held in servitude for conscience sake, has been also passed by the House of Delegates, 45 to 32; so, at last, a disgraceful part of our Constitution is abolished, and Jews are freemen. . . . Surely, we seem about to commence a new era. And, indeed, it is time that we should, for our State has been 'advancing backwards for a long while getting one day older and two days worse,' as the saying is."

Similar expressions of happiness filled the columns of the *American, Maryland Herald, Hagerstown Free Press* and other periodicals of the day. But the most jubilant man in the State was Thomas Kennedy. He knew that the boast of some Christian historians that Maryland was the cradle of religious liberty was without foundation. He had so characterized such claims whenever advanced, and proclaimed the fact that Maryland would have a stained escutcheon until the Jewish people, who had been political outcasts, could at least share the privileges of their Christian brethren. His life's aim had now been accomplished. Kennedy returned to Hagerstown, to the bosom of his family and, with fond anticipation, observed the progress of the Jewish people in the financial, business and political world.

Kennedy received a number of gifts as tokens of appreciation from some of the Jews of Baltimore. He acknowledged their receipt by letters. It was his first direct contact with Israelites. He composed several stirring odes to "Liberty, Freedom and Justice," which were published in different periodicals. With great elation he observed the fight of the Catholics in Ireland to free themselves from the tyranny of the Protestants. He sent communications abroad to his friends denouncing bigotry and fanaticism. Wherever the oppressed were, there lay his sympathies; his large heart throbbed in harmony with the pulsations of the greater heart of humanity.

When Kennedy returned home he found that President John Quincy Adams had appointed him Postmaster of Hagerstown. His fellow-citizens, however, wanted him as their representative in the General Assembly. He preferred his home and literary pursuits. Believing that he could be

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

of greater service to humanity through the use of his pen, he established the *Hagerstown Mail,* which soon became a potent force for good in the State. The insistence of his friends, however, that he return to Annapolis, promptly brought about his nomination, followed by his almost unanimous election to the State Senate of Maryland. In the fall of 1827 he took his seat. He was then 51 years of age and in his prime. A contemporary describes him as a man of medium height, rather portly in build, with the bluest of eyes that seemed to pierce through those with whom he spoke. He had iron-gray hair; his round, ruddy face which seemed continually about to break into a smile, attracted all; his magnetic personality kept his friends close to him throughout his life.

Several years later we find Kennedy somewhat strangely again occupying a place in the lower House of the Assembly. It was characteristic of the man; little did he care for temporal honors and high places. His desire was to serve and he cared little where or what the place was. He felt that he was his brother's keeper and would have taken the lowliest position had it meant happiness to sorely stricken souls.

In 1832 an epidemic of Asiatic cholera spread through the United States. It attacked Maryland virulently and one of the victims in Washington county was Thomas Kennedy. He was stricken on the morning of October 17th and, in a few hours, there passed to his heavenly reward the man who had fought a hard and noble fight in behalf of the Jewish people of his Commonwealth.

The *Baltimore American* and *Commercial Advertiser* report his death in a few brief lines on October 20th, 1832. In the *Hagerstown Free Press,* under date of the 17th, is found the following:

"Among the victims is Thomas Kennedy, Esq., editor of the *Mail* and Delegate-elect to the Legislature of Maryland. He died a few hours after the attack."

In the *Torch Light,* under date of October 18, is the following:

"Thomas Kennedy died this A. M. He left a large family

and large circle of friends and acquaintances by whom he was much respected and will be long and deeply mourned."

Kennedy's demise, coming so unexpectedly and swiftly, brought deep gloom to his many friends throughout the State. The esteem and love with which he was generally held were exemplified by the action of the Legislature, in the adoption of a motion that each member wear crepe on his left arm for 30 days. This motion was passed on January 1, 1832 (*House Journal,* Page 6). Its sponsor was Delegate Nicholas Brewer of Annapolis.

Kennedy's sudden end was not only a sad blow to the members of the General Assembly; it was distressing news to the people generally. He had endeared himself to them by reason of his many martial ballads that had aroused their ardor during the War of 1812. Kennedy's muse had been the inspiring voice of the trumpet in gathering together the people for common action. He believed that an injustice was being perpetrated upon his beloved America, and so advised his fellow-townsmen to go forth, like the Maccabeans of old, with swords in their hands and with the "praise of God in their mouths." He poured forth patriotic strains with a frequency and enthusiasm that won him a country-wide fame. On every ship where waves the Stars and Stripes his song "The Impressed Seamen" was sung. His striking "Ode on the Conflagration at Washington, August 24, 1814," was sung in many schools and churches.

His fellow-citizens knew him as a man who loved his God and country and who hated injustice. They knew him to be a man who was pious but without bigotry; who was ambitious without greed; patriotic and broad-minded; a man, in whom, as the Bard of Avon says, "The elements so mixed . . . nature might stand up and say to all the world 'This was a man.'"

For a long period Kennedy's remains rested in obscurity. With the passage of years and important events the work of Kennedy was gradually forgotten; time, as it often does, effaces the memory of men's accomplishments. Small head-stones marked his grave and those of his wife and daughter

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Frankfurt am Main

in the old Presbyterian burial ground in Hagerstown. They were in an unfrequented corner overgrown with weeds and rambling vines.

Some ten years ago, Mrs. James Findlay, granddaughter of Thomas Kennedy removed the graves to Rose Hill Cemetery, in the same city.

In 1918, the centenary of the introduction of the "Jew Bill" by Kennedy aroused to activity a number of the Jewish citizens of Washington county, among whom was F. S. Kahn. Through the Morris Brenner Lodge, of the Independent Order Brith Sholom of Baltimore, a fund was raised for the purchase of a monument. On June 1st, 1919, Kennedy's work was perpetuated by the dedication of this monument over the grave of Liberty's apostle. This memorial to Kennedy, a tall granite shaft, was unveiled by Mrs. James Findlay. Col. William P. Lane of Washington county, the president of the County Historical Society, presided. Among the speakers were Senator H. S. Bomberger and Leo Weinberg of Frederick. The Grand Lodge officers of the Order of Brith Sholom and a large delegation from Baltimore witnessed the ceremonies.

Several years prior to the unveiling of the monument, Mr. Kahn aroused great interest in the subject of Kennedy's legislative struggle by awarding a monetary prize for the best essay on Kennedy. It was won by Miss Clara Tucker Riley of Annapolis, daughter of Dr. Elihu S. Riley.

The following memorandum written by Kennedy, May 28, 1829, the original of which Mrs. Findlay recently discovered among old family documents, contains much of interest:

"Thirty-three years ago, about this very hour, a large vessel passed Alexandria and proceeded up the Potomac by Washington to Georgetown; and as the *Britannia* passed on the Virginia side of Mason's Island, a salute was fired, which shook the houses in Georgetown and brought her citizens down to the wharf in crowds. A boat went ashore, and in it, the writer of these lines; and the first person he spoke to was to his brother Matthew whom he had not seen for many long years. Georgetown was then a little village

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

without a pavement. Washington was in embryo, those six buildings were finished, the President's House and Capitol were not under roof, and one solitary grog shop was all that was to be seen in those days, and this was a temporary shed in the neighborhood of the President's House.

"What a change has thirty-three years made in Washington, in Georgetown, in the United States, in the world, in my own situation. There I was, a Caledonian laddie—a stranger, a wanderer. The wanderer is now a Senator of Maryland. The stranger is now the father of an American family. The Caledonian laddies' locks once yellowish fair begin to assume the looks of the thistle-down, and long before thirty-three years more are gone and past, they will be laid low in the dust, and if he sleeps not in the land of his fathers—it will be in the land of his children.

"And though misfortune and distress have often visited him yet he has been blessed beyond his deserts, blessed with the choice of his heart, in his Rosamond, blessed in his children, blessed in friends, firm, faithful and affectionate friends—blessed with the confidence of his fellow-citizens who have elected him to many responsible stations, and with the confidence of the Government of Maryland and the Government of the United States. He has been often gratified in seeing the principles of Republicanism in triumph. In the election of Thomas Jefferson in 1800; in the elections of Madison and Monroe, and lately and gloriously in the election of Andrew Jackson—and he has seen those principles triumph in Maryland in 1800 and to 1812, and again in 1819, to the present time. He has seen religious liberty triumph in Maryland—he has seen the Jews restored and placed on a footing with the Christians and he has seen the reign of prejudice and bigotry put to an end in Ireland and the Catholics set free and raised to an equality with their Protestant brethren. With all their blessings and gratifications he is satisfied, and now asks neither honor nor wealth —all he asks now is that wisdom which cometh from above; wishes for content, without riches, without poverty, and as he has been preserved through past years he cheerfully

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commits the future to the disposal of Him who rules in heaven and on earth.

THOS. KENNEDY,
Castle Hope,
Potomac St., Hagerstown, Md.
May 28, 1829.

Family: Rosamond Harris, home; Grace Carmelia, home; John Francis (to graduate next month at West Point Military Academy); Howard (graduated April, 1828, Medical College, Baltimore, now residing in Williamsport); Catherine Sim, home; Rosamond Thomas, home; Amelia Thomas, died an infant, in 1801; William Thomas, a year old, 1803; second William Thomas a year old, 1805; Lawrence Ludlow, four years, 1816.

Bless them all.

Hagerstown, Maryland,
Sunday eve., May 28, 1826.
T. K.

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CHAPTER V

FIRST JEWS TO HOLD OFFICE

As a result of Thomas Kennedy's victory for religious freedom, the voices of men opposed to the Jews' progress were temporarily silenced. In the fall of 1826, two distinguished sons of Israel—Solomon Etting and Jacob I. Cohen—were elected members of the City Council. The population of Baltimore in that year was about 65,000. There were about two hundred Jewish people in the State, representing a capital of about a half million dollars.

In October, 1825, General Andrew Jackson was nominated by the Legislature of Tennessee as a candidate for President of the United States in 1828, and all the elections held in Maryland during the interval turned upon the Presidential question. Both administration and anti-administration parties held State conventions in Baltimore during 1827, and organized for the approaching struggle. In the pro-administration convention, held in Baltimore, July 23, 1827, the name of Solomon Etting appears as one of the delegates. He was a prominent figure at the convention, for the passage of the "Jew Bill" at Annapolis the year before had given him courage to engage actively in political enterprises.

A slight reaction (which was but temporary) occurred in this connection, when a committee consisting of ten Jews appeared in Annapolis in the fall of 1829 to petition the Legislature for permission to incorporate the Baltimore Hebrew Congregation. When the memorial was read for the first time and the Speaker put the question to a vote, it was rejected by a sweeping majority. This was a bitter blow to the members of the congregation who had organized in Baltimore for divine worship at the home of Zalman Rehine, whose house was on Holliday street, near Pleasant. There

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Frankfurt am Main

were undoubtedly meeting places for worship elsewhere before this meeting, but the records show this to be the first attempt to incorporate a synagogue. Among those who attended the meetings at Zalman Rehine's home were John M. Dyer, Moses Millem, Lewis Silver, Levi Benjamin, Joseph Osterman, Joseph Ancker, Levy Collmus, Tobias Myers and Jacob Aaron.

It is probable that the propaganda put forth by the Federalists in the General Assembly was responsible for the frustration of these men. There was a fight on at that time for greater political representation from the City of Baltimore—a familiar question even in this decade. It was being hotly contested and the Federalists strongly opposed the measure. They also endeavored to incite prejudice against the "Baltimore Jacobins" by declaring that the State contained one-third foreigners, "who entertain strong prejudices in favor of the governments under which they were born, and whose main object in taking up a residence in this country is to accumulate riches, which the disturbed state of Europe for many years past renders it impossible for them to do there. The true contest is now between Baltimore and the counties, between the city and the county; and the question which every voter, when he goes to the polls, ought to put to himself is: 'Shall I vote for the men who, by effecting the changes which they have prepared and designed, will place the great agricultural State of Maryland at the feet of the merchants, the bank speculators, the brokers, the lottery office-seekers, the foreigners, and the mob of Baltimore? Or shall I give my support to those who will maintain, in opposition to them, the honor, the dignity, and independence of the cultivators of the soil?' "

There is color to the theory that the Federalists caused the defeat of the memorial, when one considers the fact that on several occasions, a number of them had repeatedly blocked Kennedy in his fights both in the House and Senate. They sneeringly referred to his bill as the "Jew Baby."

It took several days of active work among the members of the General Assembly to convince them of the great injustice

which had been done the petitioners in their demand for incorporation. Governor Thomas King Carroll, be it said to his credit, assisted in explaining to certain members the unwisdom of such a reactionary step. The vote was subsequently reconsidered and the bill became a law. The memorial provided for the granting to the "scattered Israelites of the City of Baltimore the right to incorporate the congregation" and the names of John M. Dyer, Moses Millem, Lewis Silver, Levi Benjamin, and Joseph Osterman appeared as the electors of the new organization.

To follow the activities of the Etting and Cohen families, after the election to the City Council of two of their members, is to become familiar with the business, civic and charitable history of the city. Both families settled here between the period of the Revolution and the beginning of the Nineteenth Century. Jacob I. Cohen, Sr., had come to America in 1773. He was a native of Rhenish Prussia. Solomon Etting was born in Frankfort-on-the-Main, Germany, in 1724, and came to America in 1758. Contrary to popular belief in this State, Portuguese and Spanish Jews, who formed the initial strata of Jewish settlement in most of the American towns a century or more ago, are conspicuously absent in this city. No such names are found in the early records or directories. Most all of the Jewish immigrants hailed from Holland or Germany. A number of the earlier settlers came from other American cities or the West Indies, while others came directly to Baltimore from Europe. About a decade after the passage of Kennedy's "Jew Bill" there was a large emigration of Jews from Germany. In the early forties a stream of Jews poured into the city, many of these coming direct from Bavaria. They took up their homes, with few exceptions, in the eastern section of the city. Minyans were held whenever possible and none forgot Rosh ha Shanah and Yom Kippur. The schochet of the town was Wolf Marschutz and about 1820 Gabriel Isaac was the mohel. The ritual and practices of Orthodox Judaism were followed by practically all of the Jews.

Jacob I. Cohen, Sr., had lived in Lancaster, Pa., Charleston.

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S. C., and Richmond, Va. (where he was one of the early members of the Beth Shalom Congregation). His brother, Israel I. Cohen, joined him in business in Richmond. In 1808 after the demise of Israel I. Cohen, his widow, who had been Judith Solomon of Bristol, England, removed to Baltimore. She brought with her one daughter, Maria Cohen, and six sons: Jacob I. Cohen, Jr., Phillip I., Mendes I., Benjamin I., David I., and Joshua I. Cohen. The eldest son founded the banking firm of Jacob I. Cohen, Jr., and Bros. The family soon became well known in Baltimore. Jacob I. Cohen took an active part in civic affairs; his likable personality made a profound impression upon his neighbors and acquaintances. Immediately after the removal of the disabilities at Annapolis the people demanded that he be a candidate for the City Council. He was elected by a large vote and after serving several times was elevated to the presidency of the branch.

Serving in public office was not a new accomplishment for the family, as the elder Mr. Cohen had occupied a similar post when living in Richmond. He had also served as a Magistrate. The elder Mr. Cohen had been a soldier of distinction in the Revolutionary War and the Christian people of Baltimore soon learned about the splendid record of this Jew from the lips of Southern visitors who passed through the city.

After serving several terms in the City Council, Mr. Cohen was appointed Commissioner of Finance. He was one of the founders of Baltimore's public school system, being the first treasurer of the School Board. He was also elected a director of the Baltimore and Ohio Railroad, and became the first president of the railroad leading to Philadelphia, Pa. He filled a number of other offices of trust, as did his brother, Joshua I. Cohen, an eminent physician of his day.

The Cohen collection of Egyptian antiquities at the Johns Hopkins University were collected in the Nile Valley by Col. Mendes I. Cohen, who died several years ago. Recently, Miss Eleanor S. Cohen, a sister of Col. Cohen, and one of the last survivors of the distinguished family, donated to the Mary-

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land Historical Society, a most interesting and unique collection of the family heirlooms, which has attracted much attention.

That the proceedings in the Legislature relating to the "Jew Bill" deeply stirred the members of the Cohen family can be gleaned from the following letter sent to Mr. E. S. Thomas by Jacob I. Cohen, from Dec. 10, 1818. The letter follows:

E. S. Thomas, Esq.,
Annapolis, Md.
DEAR SIR:

Noticing the proceedings of the present legislature of Md., I observe a committee has been appointed in the house of Delegates to bring in a Bill "to extend to persons professing the Jewish Religion the same civil privileges that are enjoyed by other religious sects" and that yourself with Mr. Kennedy by whom the motion was made and Mr. Breckenridge compose that committee.

Having the pleasure of a personal acquaintance with you I am induced from the importance of the subject to address you.

You cannot be aware Sir from not having felt the pressure of religious intolerance, of the emotions excited in the breast of an Israelite whenever the theme of liberty of conscience is canvassed—the subject of religion being the nearest and most vital to the soul of every sectarian it awakens every spark of feeling in support of those unalienable rights which the very nature of man forbids a transfer. On the question of the extension of religious freedom to any sect or denomination, the Jew feels with solicitude for a Brother sufferer and with the anxiety of him for whom the subject is intended particularly to operate, exalts in his success or sinks deeper than before with the pangs which oppression had thrown over him, and in a tenfold degree bends him below his former station.

Judge then Sir how alive to the lightest sound in a prospect of relief from the shackles of temporal jurisdiction towards the enjoyment of rights in common with his fellowmen is the soul of a man heretofore deprived of those privileges,

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Frankfurt am Main

all the dormant faculties of his mind are then elicited and he experiences sensations only felt by those similarly situated and which in extent cannot be comprehended by those who always possessed those privileges and being thus in possession have never had cause to feel the want of.

The motion of Mr. Kennedy at the same time that it reminds us of the indignity of our situation in the States also brings to mind the many blessings our profession enjoys in this country of liberty—that by the Constitution of the United States an Israelite is placed on the same footing with any other citizen of the Union and can be elevated to the highest station in the gift of the government or in the people such toleration is duly appreciated. On the other hand we are not insensible of the protection in our persons and property even under the laws of Maryland still as those obnoxious parts of its Constitution were produced only in times of darkness and prejudice why are they continued as blots on the present enlightened period and on the honor of the State in direct opposition also to the features and principles in the Constitution of the United States.

I can scarcely admit a doubt that on a moment's consideration and reflection a change will be made as the Prayer of Justice and reason.

The grievance complained of and for which *redress* is asked, is that part of the Constitution of Maryland, which requiring a declaration of belief in the Christian Religion prevents a Jew accepting any office his fellowmen might elect him to or think him deserving the enjoyment of—he is thus incapaciated because he cannot *abjure* the principles instilled in him of worshipping the Almighty according to the dictates of his own conscience and take an oath of belief in other tenets as if such declaration of Belief made him a better man or one more capable of exercising the duties of the office which the want of that declaration would deprive him of because he maintains his unalienable rights with a steadfast and upright hand—because he cannot consent to act hypocritically he is deemed unworthy to be trusted and to be as it were disfranchised—thus incapacitating on the very grounds that

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Frankfurt am Main

ought to entitle him to confidence in the discharge of any duty he might be called upon to perform *viz:* a complete independence and unbiased judgment formed on the broad foundation of moral *rectitude.*

To you I'm sure I need not point out the effects resulting from an equal enjoyment of civil rights instead of being borne down by a state of despondency and consequent inaction, those talents idle which otherwise would prompt every effort to a spirit of ambition exhibiting the appreciation of his standing as a Freeman and observing the contrast with that when fettered by temporal authority.

In times of peril and war the Jews have borne the privations incident to such times and their best exertions have been given to their utmost, in defense of the common cause—See the Israelite in the ranks of danger, exposing his life in the defense of the Country of his adoption or of his nativity and then ask the views of the man in such exposure—the cause alone—he bears the brunt of the battle and the toils of the day with the knowledge of having discharged his duty; he retires with the pleasing consolation of mental correctness and the silent approbation of his own conscience—here he rests—having attained the summit of his expectations—Sensible of his worth, his Commander would offer him promotion the honorable and only boon a Soldier aspires to—he cannot—vain are his wishes—the State under whose banners he has fought and bled debars him its acceptance—here Sir, is an evidence of the injustice of the act of the Constitution, and the effect perhaps of that inaction which I have noticed above.

Still stranger tho are the cases requiring the decision of a Jury, look there at the situation of a man professing the Jewish Religion—I wish not to be understood that he could not obtain justice, such is not my meaning—but he is to be judged by men whom perhaps prejudice might influence in their verdict and the very course of justice be *impeded* by mere caprice incident to strong individual feeling.

By the present system a Jew is deprived of a seat in that body where by a liberal construction of matters and circumstances and a free interchange of sentiment on the broad

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Frankfurt am Main

basis of both Jewish and Christian doctrine to "do unto others as you would have others do unto you" might those prejudices be combatted and justice satisfied in its strictest sense. I cannot name the unworthy equality a Jew is placed on trial by Jury. On this great question of right, the guarantee of Freedom and political liberty I will leave you to judge as a legislator and an American Freeman.

Your attention I need not solicit on this occasion, being satisfied of the liberality of your views and the pleasure it would afford you in the opportunity of *redressing* the grievances of your Constituents—A bill relating to an equality of rights intended for the present purposes was reported in the Senate of Maryland during the Session of 1816 and was not acted upon—I do not know why—I confidently trust however that the present legislature will take up the subject with the consideration it merits.

Whatever may be the fate of the proposed bill permit me to request, if not improper that the Ayes and Nays be taken and placed on record on the general question as well as on any previous one, which might involve such general question or be indicative of its final result.

Before I conclude I would remark that previous to my commencing this letter a friend in this city applied to me for such papers as I had in my possession in any way relating to the object proposed by Mr. Kennedy's motion—these I gave him, I would have been glad to have forwarded to you with this but as I learn they will be laid before the committee, it will answer the same purpose as you will then have an opportunity of examining them.

I am,
Dear Sir,
Yours with great Respect,
(*signed*) J. I. COHEN.

In January, 1819, a writer in the *National Advocate,* published in New York City, attributed the defeat of Mr. Kennedy's bill in the Maryland Legislature to the hostility of Catholics. Mr. Cohen quickly came to the defense of the

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Catholics of Baltimore. In a letter to Mordecai M. Noah, that distinguished American Jewish patriot and author, Mr. Cohen said his opinion was "founded on the liberal expression of sentiments by the Catholics within the circle of my acquaintance in this city." The letter follows:

Baltimore, Feb., 2nd, 1819.

M. M. Noah, Esq., New York.

DEAR SIR:

I have duly noticed in the *National Advocate* the remarks on the failure of the Jew Bill before the Legislature of this state in that past hearing on the Catholics on the supposition of their influence in the rejection of the bill permit me to say is not so. I think the impressions are incorrect—my opinion is founded on the liberal expressions of sentiment by the Catholics within the circle of my acquaintance in this city and who are among the principal of that religious sect in this state—and on the regret evinced on the failure of the attempt.—In the Senate on Gen. Winder's motion, Mr. Taney, a Catholic addressed that body in eloquent strains in favor of abolishing test oaths universally —and in fact if the members of our legislature could have brought themselves to have acted independently without having the fear of losing their election before their eyes, and had followed the honest dictates of their conscience, no doubt the bill would have passed—but in lieu of being entirely divested of politics, contrary to expectations it assumed that aspect. and if you will recollect the very slender federal preponderance in the political affairs of Maryland, you will with me see the cause of the rejection of the Bill but the prospects of the Jews in Maryland, are brighter than ever before—and in the Senate had the motion been special instead of for universal toleration, it might have succeeded, several members voting in the negative, who would have given an affirmative had the object been special, tolerating the Jews, the motion in the Senate on the score of general abolition of test, was made contrary to our express wish we wanted it on our special right and no other and on the results of the question as taken

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

we were not surprised. The Editors of the public papers in this city are all very favorably disposed towards the rights we demand and you will bear in mind that notwithstanding this being a state of Catholic settlement and this city an Archbishopric not a syllable against the bill was even noticed or published during the whole time the result was pending—or before or since. The *Federal Gazette* has received a communication addressed to the editor of the *National Advocate* with a view of correcting the impressions under which the editor has made his remarks. I mentioned to Mr. Gwynn that no doubt by this time you might have been informed of the mistaken grounds of rejection and as soon as time would permit notice no doubt would be made of the same, and that the Editor of the *Advocate* would certainly prefer doing so voluntarily than it should be elicited by any public address to him. In the meantime, therefore, the *Gazette* has merely anounced the receipt of the communication and "for want of room" it will be left out until there may be no necessity for its appearing in consequence of an explanation which may anticipate the communication. I have thought proper thus to notice the circumstance to you, leaving it entirely to act as your own opinion may point out. Before concluding permit me to mention the pleasure given here on perusing the remarks on the condition of the Jews and the question generally with the exception of that part relative to the Catholics.

Yours very sincerely,

J. I. COHEN, JR.

In 1812, when an attempt was made by the British General Ross to invade Baltimore, the Cohen boys, as well as a number of the young men of our faith were found in the front lines fighting the enemy. Their patriotic spirit on this occasion served them in good stead for it was chiefly from Baltimore that Thomas Kennedy found his first allies when battling in Annapolis for religious freedom in behalf of the Jewish people.

The Ettings, probably more than any other Jewish family living in Baltimore town, felt the political boycott against

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the Jews. This was because one of their number, Reuben Etting, had been appointed in the year 1801 United States Marshal for Maryland by President Thomas Jefferson. When it looked in 1798 that the United States would have to wage war with France, the "Independent Blues," which had reorganized upon call of the Federal authorities, elected Reuben Etting their captain. Hence, the inability of a Jew to hold the smallest office under the State government was a humiliating thought.

The most prominent member of the family, however, was Solomon Etting. He married Rachel, the daughter of Joseph Simon, an Indian trader of Lancaster, and one of the founders of the Pennsylvania Academy of Fine Arts. She died January 14, 1790, in Lancaster, Pa. Solomon Etting came to Baltimore at the age of twenty-five. He engaged in the hardware business in a store on South Calvert street. In 1805 he purchased a house on Market street (Baltimore street) between Howard and Eutaw streets. He resided there until May, 1841, when he purchased the house on West Lexington street, No. 4 Pascault Row, where he resided until the time of his death, August 6, 1847. It was probably about this time that Etting married Rachel Gratz, daughter of Barnard Gratz.

The earliest political connection of Solomon Etting with his countrymen is revealed by the record showing a meeting held in Baltimore town on July 27, 1796, to give unified expression to their disapproval of the treaty which Jay had concluded with Great Britain. A committee consisting of David McMechen, Solomon Etting, Alexander McKim, David Stodder, Jas. A. Buchanan, Adam Fonerden, and John Steel was appointed to call on President Washington and present the resolutions.

Solomon Etting and Levi Solomon formally acquired possession of a plot of land used by the Jewish people for a burial ground. The cemetery was located in the block bounded by Harford avenue, Monument Street, Jew Alley and Abraham Street. It had been used as a burial ground some years before the conveyance; Etting and Solomon held

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the land for the Jewish community because the State had not recognized officially a Jewish congregation. In 1832 both men took title to a small plot of land on the north side of North avenue about sixty yards east of Pennsylvania avenue. For years it was used by the family as its burial ground, although the tombstones reveal the graves of other Baltimore Jews.

Solomon Etting was one of the founders of the Baltimore and Ohio Railroad and a director of many other financial institutions and charitable societies. The *Baltimore Sun*, August 9, 1847, speaking of Etting's death, said:

"Our obituary column today records the death of this venerable citizen, at the age of eighty-three. Mr. Etting was a native, we believe, of York, Pa., but he resided in Baltimore for about sixty years. During the whole of that period, up to a month of his death, his career was one of unwearied activity. He possessed, in the most eminent degree, that first of civic virtues, public zeal, and his name is connected with every important enterprise which looked to the promotion of the city's prosperity. His judgment was sound and clear above that of most men; his habits of business were models of industry; and his integrity, impartiality, and rigid sense of justice, were never doubted or suspected. Although long past eighty years of age, he was chosen president of the board of control and review, under the new assessment of the real and personal estate, and continued, until confined to his bed, to discharge the responsible duties of the important post with an industry, fidelity and perspicacity most remarkable, indeed, in one so aged, but perfectly characteristic of him. In his family and social relations, Mr. Etting was equally worthy of honor and imitation."

The historian of the Masonic Lodge No. 43, has written: "He was a man of sterling integrity, of great wit and drollery and was beloved and respected by a large circle of friends and acquaintances. He was distinguished for his considerable and indiscriminated charities and was in his old age affectionately hailed by all as 'Father Etting.'"

Ever true to his traditions, the Jew made his true spirit

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felt by the organization of synagogues, philanthropic societies, and the like, in the period following the death of Thomas Kennedy. Not in vain have the Jewish people in Goluth won for themselves a reputation for giving Zedokah, —a characteristic of the Jew frequently commented upon with admiration by the non-Jew.

In Baltimore several Jewish names are found as incorporators of the charitable Marine Society, organized and chartered by the General Assembly, as far back as 1796. The objects of the society were "the relief and aid of the of the distressed widows and orphans of the members." Ephraim Merchant, Jacob Reese, Jacob Meyers, Jacob F. Levy were among the incorporators. On March 4, 1834, there was incorporated the United Hebrew Benevolent Society of Baltimore. The charter for the society shows the following names: Simon Eyting, Joseph Osterman, Leon Dyer, Jacob Ezekiel, S. I. Block, Joseph Simpson, Levi Flaut, Levi Benjamin, Aaron Reutter, Benjamin Seixas, Leopold Schneeberg, Selig Strupp, H. M. C. Ellion, Emil Niewiehl, L. Hammerschlak, Levi Hess, M. Tobias Meyers, Solomon Benjamin, H. Hein, Wolf Myers, Levi Keothen, Abraham Leon, Lazer Levi, Lewis Myers, Joseph Jacobs, Meyer Hertzburg, A. D. Wachman, Jonas Baumann, Joseph J. Posnanskie, Isaac Strupp, Julius Kahn, John M. Dyer, Solomon Hunt, David Taub, Jacob Aaron, Samuel Muntzer, Michael Heilbrunn, Solomon Carvolho, Joseph Anger, Levi Collmus, Jacob Leiser, Morris A. Cohen, Jonas Friedenwalt, S. A. Waterman, Gustabus M. Heinwald, Kritz Kayser and Carle Schlectern.

The year 1846 brought ominous clouds on the political horizon and it looked as if the United States was destined to wage a prolonged war with Mexico. The young Jews of Baltimore, appreciative of what Columbia meant to them and their people, and realizing the plight of the Union, promptly planned to organize a company of volunteers. The *New York Herald* of July 15 contained the following item, after the call of President Polk for 50,000 volunteers.

"Baltimore, July 3. Among the companies which have

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been formed here, a volunteer corps of Jews attracts particular attention. Although composed for the most part of immigrants they have given, by the raising of this company to fight with the native militia on behalf of our institutions, a splendid instance of their love and devotion for these and for their new fatherland. Yes, this love for the fame and independence of our country has been displayed all the more pointedly as they have organized their company by selecting one not of their faith as their chief officer, namely, Captain Carroll, who was paymaster of the Fifth Regiment, who willingly resigned his position to accept the command of this patriotic company of volunteers. Its other officers are: Mr. Levi Benjamin, First Lieutenant; Joseph Simpson, Second Lieutenant; Samuel G. Goldsmith, Third Lieutenant; S. Eytinge, First Sergeant, and Dr. J. Horwitz, Surgeon."

Later in the same year, the first seed of what may be styled organized charity was sown. Through the active work of Leon Dyer, the United Hebrew Assistance Society was launched. Leon Dyer, who was chosen president, was the son of John M. Dyer, who had been one of the organizers of the Baltimore Hebrew Congregation. The young man was apparently well liked in the community wherein he lived. His name appears on many committees, whose objectives were the improvement and betterment of the community. He held a number of minor public offices and during the famous Bread riots served as Acting Mayor of Baltimore. In the Texas Revolution for independence he was awarded a commission of Major by the War Department. He served on General Scott's staff during the Seminole uprising. He was appointed to a colonelcy in the Mexican War and suffered a severe wound in battle.

The society for the education of poor Jewish orphans was organized February 8, 1852. Its first president was Louis Hammerslaugh, who was succeeded by Jacob Gazan and Jonas Friedenwald. Several years later the Hebrew Ladies' Sewing Society was organized with the following officers: President, Mrs. H. Hecht; Vice-President, Miss H. Benjamin; Secretary, Mrs. F. Schloss; Treasurer, Mrs. J. Behrends.

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CHAPTER VI

A SPIRIT OF TOLERATION

A spirit of liberalism seemed to have permeated the minds and consciousness of both city and state legislators, following the removal of the civil and political disabilities at Annapolis in 1826. Shadowy and blurred connections between Church and State seemed to be gradually vanishing and the Jews of Baltimore were warmly welcomed to the ranks of citizenship and office-holders. Several poems written by Kennedy relative to the splendid and heroic qualities of the Jew, which have been printed in publications outside of Maryland, were reprinted in journals of this State. One of his poems, which had been composed by Kennedy immediately after the first rejection of the "Jew Bill" and published in the *Franklin Gazette,* Philadelphia, ran as follows:

"What! Still reject the fated race,
Thus long denied repose—
What! Madly striving to efface
The rights that heaven bestows.

Say, flows not in each Jewish vein,
Unchecked—without control—
A tide as pure, as free from stain
As warms the Christian soul?

Do ye not yet the times discern,
That these shall cease to roam,
That Shiloh pledged for their return,
Will bring his ransomed home?

Be error quick to darkness hurl'd!
No more with hate pursue,

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For He who died to save the world,
Immanuel—was a Jew.''

In 1847 the General Assembly, spurred on to activity in a desire to remove from the statute books some of the objectionable measures which had been left as relics of a ''darker age'' proceeded to action. A discrimination enacted in 1717, relative to the admissibility of evidence of slaves and certain others, when Christian white persons were concerned, was repealed.

In the historic Constitutional convention of 1851 it was maintained by numerous delegates that to predicate such civil rights as the privilege to give testimony and to serve as a juror, on a belief in future rewards and punishments, was an interference with religious freedom. The conscience of man must and should be free, it was urged, and no human agency should fetter it. The mere avowal of unbelief in future rewards and punishments, it was asserted, itself revealed an independence which attested to truth, conviction and sincerity. An amendment was finally adopted that no witness or juror should be incompetent who believes in an Almighty God and reward and punishment in this world or the world to come.

The oath of office remained in the Constitution as it has been amended by the General Assembly in 1826. If one was a Jew, a belief in future rewards and punishments had to be professed; if a Christian, a belief in that religion.

During the debate in the Constitutional Convention of 1864, a delegate urged the adoption of an amendment requiring a belief in the existence of a God and the future state of rewards and punishments, without making any special mention of the Jew. He declared that the object of his amendment was to get rid of the provision which singled out the Jew and provided the mode in which he should declare his belief. He maintained that Jews were a large and respectable class of society and that an invidious mention was made of their religion.

Other delegates went so far as to argue that there ought

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not to be any reference to the Christian religion. They based their objection on the postulate that there should be no mingling of Church and State. All religions should be treated alike and no one sect given preference over any other.

Despite the fact the word Jew was taken out of the Constitution, the allusion to Christianity was not removed until 1867, when the present Constitution was adopted. The Legislature is inhibited by the Constitution from prescribing any provision for those taking a public office other than a declaration of a belief in the existence of a God. By an act passed in 1854, which is still retained in the Code, the oath of office is required to be practically the same as in the Constitution of 1851. The present Constitution which governs us, however, is found to be in direct conflict with this provision, hence, it cannot be regarded as law.

There have been changes enacted by the Legislature in the method of administering the oath. In 1896, a Christian witness was required to place his hand upon the pages of the open Bible or New Testament; a Jew was required to place his hand upon the Pentateuch. By an act passed in 1898, a witness is merely required to hold up his hand in recognition of the solemnity of the act, except where the form is not practicable, or when some other mode is more binding on the conscience of the swearer. Imprecatory words such as "So Help Me God" are forbidden. The approved form now is: "In the presence of Almighty God, I do solemnly promise and declare that the evidence I shall give before the Court shall be the truth, the whole truth, and nothing but the truth."

Section 11, of Article 3, of our State Constitution provides that no minister or preacher of any religious denomination shall serve as a member of the General Assembly. Religious bodies are also prohibited from acquiring more than five acres of land without legislative sanction, under Article 38.

That some progress has been made in the past century in liberalizing the Sunday laws is evidenced by the enactment of Chapter 700 of the Acts of 1920. The law permits the sale by retailers of certain articles theretofore prohibited.

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Frankfurt am Main

It amended the so-called Blue Laws, enacted in 1723, which provided among other things, that "any person in the province who shall wittingly, maliciously and advisedly, by writing or speaking, blaspheme God or the Holy Trinity, shall for the first offense be bored through the tongue; for the second offense, shall be stigmatized by burning the middle of the forehead with the letter 'B,' and for the third offense, the offender shall suffer death without benefit of clergy." In addition to these punishments the offender was subject to a heavy fine.

These so-called Blue Laws were enacted at a time when religious prejudices were deeply imbedded in the hearts and minds of men. The Puritan and the Cavalier, the Pilgrim and the Quaker, although they fled from the mother country to escape persecution, were the first to force their fanatical views upon the minority. Their view of religious toleration, in the day of the Blue Law enactment in Maryland was certainly not in accordance with the spirit of justice as it is recognized by thinking minds. These men did not realize that civil rights should not be predicated upon religious opinion, in the language of Thomas Jefferson, "any more than on opinions in physics or geometry." That the proscribing of a citizen as unworthy of public confidence by imposing incapacities merely because he did not accept the divinity of the Holy Trinity was certainly not consonant with the spirit of liberty. The right to worship God in any manner one sees fit was not considered a natural right of mankind. Indeed, even today, there is a tendency in some quarters to make Christianity a state religion. In order to effectuate this, it is proposed to bring the Holy Bible into the public school and gradually effect the consolidation of Church and State.

Religious freedom, which was won after so bitter a struggle ought not to be surrendered in this age without unyielding resistance. Gigantic efforts are required to remove prejudices. Only by education and enlightenment can mists of superstition and bigotry be cleared. The present is never as strong and adamant as the past. Only the passing of time

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can change conditions which seem fixed and permanent. The pages of history reveal that in different periods, heroic figures usually appear, who are prepared to lay down their lives for the rights of mankind. In crucial periods of his history, the Jew has had such noble souls come forward to champion his cause. England gave him Cromwell and Sheil; France, Mirabeau and Duport; Maryland, Kennedy and McMahon.

Unlike a number of States of this Union, Maryland does not legally recognize the Jewish Sabbath. Sunday laws are, of course, necessary for the Christians in order that they may observe their Sabbath with due solemnity and in accordance with the spirit of our Constitution. What reason, however, is there for a store, in an exclusively Jewish section of the city, which is closed on Saturday, to be prohibited from keeping open on Sunday?

As far back as 1887, the General Assembly of our neighboring State of Virginia passed a law providing that "any person who conscientiously believes that the seventh day of the week ought to be observed as a Sabbath and actually refrains from all secular business and labor on that day could engage in work or business on Sunday." One performing work on Sunday, however, cannot compel an apprentice or servant not of his belief to work on Sunday, and providing, further, that the peace and rest of any other person must not be disturbed. True Virginians point with pride to this enlightened and progressive legislation. The spirit of men like Thomas Jefferson, James Madison, Edmund Pendelton and George Wythe appears to hover over the Dominion State. They were liberal and tolerant in their beliefs, and with voice and pen declared that legislators and rulers, civil as well as ecclesiastical, were fallible and uninspired men, and should not be permitted to assume dominion over the faith of others. These principles these men put into the Virginia laws as far back as 1785 and are now known as Section 34 of the Virginia Code. These statutes have been shining examples to legislators in all parts of the United States.

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Frankfurt am Main

Certain laws must rest on enlightened public policy, and on the guiding principle of non-interference with religious liberty. They must not rest on the creed, dogma or tenets of any one religion. The Sunday laws of our State give the Christian religion an advantage over other religions. This situation is commented upon in the celebrated mase of Judefind vs. State of Maryland, decided on January 23, 1894 (78th Maryland Reports, page 510). The facts of that case are as follows: Judefind was arrested on a warrant issued by a Justice of the Peace of Kent County, for husking corn on Sunday. He was tried, convicted and fined $5.00 and costs, in accordance with the provisions of the Public General Laws. Chief Judge Boyd, who delivered the opinion, said:

"We have not the slightest hesitation in announcing that the law complained of is not in conflict with the Constitution of the United States or of Maryland. There have been numerous decisions in the country.

"Nature, experience and observation suggests the propriety and necessity of one day of rest and the day generally adopted is Sunday.

"The laws of this State have recognized Sunday as a day of rest from the time the State was formed, and statutes on the subject that were in force in colonial days are still in our code. This court has from time to time given expression to its views on the question in very clear and unequivocal terms.

"It is undoubtedly true that rest from secular employment on Sunday has a tendency to foster and encourage the Christian religion—of all sects and denominations that observe that day—as rest from work and ordinary occupation enables many to engage in public worship who probably were not otherwise to do so. But it would scarcely be asked of a court, in what proposes to be a Christian land, to declare a law unconstitutional because it requires rest from bodily labor on Saturday (except work of necessity and charity), and thereby promotes the cause of Christianity. If the Christian religion is, incidentally or otherwise, benefited or fostered by having this day of rest, as it undoubtedly is,

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there is all the more reason for the enforcement of laws that help to preserve it. Whilst courts have generally sustained Sunday laws or "civil regulations," their decisions will have no less weight if they are shown to be in accordance with divine law as well as human.

"There are many most excellent citizens of this State who worship God on a day other than Sunday, and our Constitution guarantees to them the right to do so, a right which no one can interfere with. The legislature of this State has not undertaken to prohibit work on the day observed by them, and hence they do not have in their religious work the advantage of having their Sabbath made a 'day of rest' by human law; but the legislature has not in any way interfered with their religious liberty, or with their worship of God in such manner as they think most acceptable to Him, as they have a right to do under the above provision in the Declaration of Rights."

In a much earlier case, Kilgour vs. Wills, decided in December, 1834 (reported in 6 Gill and Johnson, page 268), Judge Chambers, of our Court of Appeals, said:

"The Sabbath is emphatically the day of rest, and the day of rest is the 'Lord's Day' or Christian Sunday. Ours is a Christian country and a day set apart as the day of rest is the day consecrated by the resurrection of our Saviour and embraces the twenty-four hours' rest ensuing the midnight of Saturday."

In Maryland, at each legislative session, an attempt is made to have a law passed requiring the King James version of the Bible to be read in the schools daily by the teachers. Owing to the influence of the Catholic and the Jewish members of the Assembly and a band of serious-minded, conscientious men and women, who think further than the age in which they live, the bill has met defeat on each occasion. The Ku Klux Klan is now sponsoring the measure; whether it will ultimately make our Maryland public schools sectarian institutions only the future can tell.

The enmity of the Catholic Church to the measure is the result of the conflict between it and the Protestant Church

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as to what book is the Holy Bible. The various Protestant sects of Christianity use the King James version, published in London, 18, 1611. The Catholics use the Douay version, of which the Old Testament was published by the English College at Douay, in France, in 1609, and the New Testament, by the English College at Rheims, in 1582. These two versions are called, respectively, the Protestant Bible and the Catholic Bible.

Each denomination maintains that its own version is the most accurate presentation of the inspired Word as delivered to mankind and contained in the original Scriptures. A study of both indicates numerous differences. The Catholics claim there are cases of willful perversion of the Scriptures in the King James translation; the Lord's Prayer is differently presented in both places. The Douay version also contains six whole books and portions of other books which are not included in the King James version. The Catholic Church considers these as a part of the inspired Scriptures, and therefore entitled to the same reverence and respect as the other portions of the Bible, while the Protestants do not regard these books as a part of the Scriptures.

The first amendment to our Federal Constitution prohibits Congress from making any law respecting an establishment of religion or prohibiting the free exercise thereof. That instrument contains no restriction in this respect upon the legislatures of the States, which are thus left free to enact such laws in respect to religion as they may deem proper, restricted only by the limitation of their respective State constitutions.

Article 27 of our State Constitution (Declaration of Rights) contains this provision:

"That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore, no person ought, by any law to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice, unless, under the color of religion, he shall disturb the good order, peace or

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Frankfurt am Main

safety of the State, or shall infringe the laws of morality, or injure others in their natural civic or religious rights; nor ought any person to be compelled to frequent, or maintain, or contribute, unless on contract, to maintain any place of worship or any ministry; nor shall any person, otherwise competent, be deemed incompetent as a witness, or juror, on account of his religious beliefs, provided, he believes in the existence of a God, and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor in this world or the world to come."

Under this provision of our law, the rights of the people of Maryland are defined in (a) matters of freedom of conscience, (b) freedom of civil status, (c) freedom of taxation for sectarian purposes.

In some of the States, where the Protestants have been in the political ascendancy, the "Bible School Bill," as it has come to be termed, has been enacted into law. And invariably (with few exceptions) the State Supreme Courts, yielding to mob or crowd psychology and fearing the cry of judicial usurpation, have pronounced the law constitutional. An examination of the Constitutions of these States reveals a similarity to the provisions contained in our own. A careful analysis of the arguments and conclusions arrived at plainly shows a forced straining of the fundamental law of the land and the respective State constitutions; in brief, they adjust the laws to their own narrow interpretations. Usually, high and lofty ground is assumed that "no book is so widely read and respected, or has so great an influence upon the lives and habits of mankind, and, all men whose judgments are of value, even those who deny its divine origin, admit it to be a great historical and literary storehouse and that its teachings are of the greatest value in the world."

In most of the adjudicated cases there have been dissenting opinions indicating that the doctrine of liberty of religious worship and the separation of Church and State have not been altogether destroyed. The majority of judges, however,

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have declined to challenge a bigoted majority and have failed to keep aloft the torch of knowledge that was kindled by the fathers of the Republic.

Thomas Jefferson regarded his religious liberty statute of 1785, providing that "No man shall be compelled to frequent or support any religious worship place or ministry whatsoever," as one of his richest heritages to posterity. Small wonder was it that this man (who was such an inspiration to Thomas Kennedy) should cause this accomplishment to be written on his epitaph as one of his achievements, others being the writing of the Declaration of Independence and the foundation of the University of Virginia.

Maryland—as well as her sister States—needs a new birth of freedom. The torch which Kennedy, Tyson and McMahon have held so high is burning dimly in this decade. What man, filled with the divine spark of humanity and brotherhood, will God send to protect a sorely vexed minority whose rights are being threatened by narrow minds which cannot recognize eternal truths? Human institutions are in constant flux and every age cries out for a deliverer.

"Keep Church and State forever separate!" was the ringing cry of President Grant on September 29, 1875. He was addressing the Army of the Tennessee on that day, at Des Moines, Iowa, and sharply defined the rights of men and the duties of government. How timely today are his memorable words:

"The centennial year of our national existence," he said, to his former soldiers, "is a proud time to begin the work of strengthening the foundations of the structure commenced by our patriotic forefathers 100 years ago at Lexington. Let us all labor to add all needful guarantees for the security of free thought, free speech, a free press, pure morals, unfettered in religious sentiments, and of equal rights and privileges to all men, irrespective of nationality, color or religion. Encourage free schools, and resolve that not one dollar appropriated for their support shall be appropriated to the support of any sectarian school. Resolve that neither

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the State nor the nation, nor both combined, shall support any institution of learning other than those sufficient to afford every child growing up in the land an opportunity of a good common school education, unmixed with sectarian, pagan or ecclesiastical dogmas. Leave the matter of religion to the family altar, the church and the private school, supported entirely by private contribution. Keep the church and State forever separate. With these safeguards, I believe the battles which created the Army of the Tennessee will not have been fought in vain.''

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CHAPTER VII

DEBATES IN THE GENERAL ASSEMBLY

They were a briliant galaxy of men who fought to bring about religious freedom in Maryland. There were McMahon, Tyson, Breckenridge, and others, with Kennedy as a leader. To read the debates on the "Jew Bill" is to be spiritually inspired, to be mentally stimulated, in brief to sip at the fountain of Scripture. These men who fought prejudice and bigotry, engaged in a valiant struggle; they did not win with one blow; they persevered against desperate odds until reason and logic had found its way into the narrow, provincial minds of the legislators. These men were ahead of their times. They never desisted but battered away until victory was achieved.

The speeches of these giants compare favorably with the utterances of the brilliant masters of government who drafted the Federal Constitution. Few debates in the halls of legislation surpassed them in eloquence of diction, power of analysis, and forceful delivery. Some of the speeches are veritable masterpieces. To permit them to be left in obscurity would be a grave injustice to the memories of these heroes. A failure to gather them together from the dusty, moribund journals, gazettes and periodicals of those days, would be an irretrievable loss to mankind. Who knows but that their perusal and study some day by non-Jews may be the means of bringing forth new champions to espouse the cause of Israel? Just as Kennedy was inspired by the views of Mirabeau on the subject of religious freedom during the French Revolution, and by Jefferson, Paine, and Adams during the American Revolution, so a great soul—yet unborn—may be stirred some day to great eloquence by his thoughts.

The speeches of these men are valuable for their historical

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Frankfurt am Main

and literary content as well as for their religious background. May the reading by both Jew and non-Jew of these inspired addresses lead to a clearer understanding of the country's duty toward its subjects, and the obligations of the subjects toward their country.

The debate opened in the House of Delegates on Wednesday, December 9th, 1818, when Thomas Kennedy arose in his seat and moved that a committee of three be appointed to consider the justice and expediency of extending to those persons professing the Jewish religion, the same privileges that are enjoyed by Christians. The Speaker accepted the motion and promptly appointed Messrs. Thomas Kennedy, H. N. Brackenridge and E. S. Thomas to be the said committee.

The committee met following the session, and it was agreed that Mr. Kennedy should prepare a report upon the subject, which should be distributed among the members of the Legislature. On Monday, December 21st, Mr. Kennedy handed the report signed by the committee to J. W. Preston, Clerk of the House, who read it to the members.

The committee appointed to consider the justice and expediency of extending to persons professing the Jewish religion, the same privileges that are enjoyed by Christians, have taken the same into their serious consideration, and ask leave to report:

That with respect to the justice of the case submitted to their consideration, your committee thinks there can be no question: in society, mankind have civil and political duties to perform, but with regard to religion, that it is question which rests, or ought to rest, between man and his Creator alone; there is no law can reach the heart—no human tribunal that has a right to take cognizance of this matter.

But, taking this subject up in a religious point of view, your committee would appeal with confidence to the authority of the Christian religion itself, contained in the gospel, and the epistles, as a system that instead of persecution and proscription, breathes in every sentence and in every line, peace and good will to all mankind.

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Paul, the great apostle of the Gentiles, himself once a persecutor of the Christians, after his miraculous conversion, thus expresses himself: "I could wish that myself were accursed from Christ for my brethren, my kinsmen according to the flesh, who are Israelites, to whom pertaineth the adoption, and the glory, and the convenants, and the giving of the law, and the service of God, and the promises. Whose are the fathers, and of whom as concerning the flesh Christ came." And what was the rule of his conduct? Instead of asking them to subscribe to his belief, he submitted to their rites and ceremonies, he submitted to the law of purification, and even went so far as to circumcise Timotheus, who was afterwards ordained the first bishop of the Ephesians.

That great man thought it his duty, in order to make converts to Christianity, to become, as it were, "all things to all men, that he might by all means save some." "Unto the Jews (he says) I became as a Jew, that I might gain the Jews, to them that are under the law, as under the law, that I might gain them that are under the law." He knew human nature too well to use tests or qualifications, fire or faggots, to aid the holy cause in which he was engaged; he well knew that persecution may make men hypocrites, but never can make them true believers. He also declares, "circumcision is nothing and uncircumcision is nothing but keeping the commandments of God." And again, "God will render to every man according to his deeds (not according to his faith). Tribulation and anguish upon every soul of man that doeth evil, of the Jew first and also of the Gentile, but glory, honour and peace to every man that worketh good, to the Jew first and also to the Gentile, for there is no respect of persons with God." And again, "it is one God who shall justify the circumcision by faith and the uncircumcision through faith." At another place, he puts this very important question, "What advantage then hath the Jew? Or what profit is there of circumcision?" To which he makes this remarkable reply: "Much every way, chiefly because that unto them were committed the oracles of God." Indeed, all the writings of this illustrious apostle, particularly his

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epistle to the Romans, bear testimony that he professed the true spirit of Christianity, the true spirit of Christian charity, which "beareth all things, believeth all things, hopeth all things," that charity which never faileth, that charity which he declares is far superior to faith and hope, that spirit, which another apostle (James) says is first pure, then peaceable, gentle and easy to be entreated, full of mercy and good fruits, without partiality and without hypocrisy. And the same apostle (James) asks, "what doth it profit, my brethren, though a man say he hath faith, and have not works, can faith save him? Faith without works is dead. Yea, a man may say thou hast faith and I have works; shew me thy faith without thy works, and I will shew thee my faith by my works, thou believest that there is one God, thou doest well, the devils also believe and tremble."

Your committee would also refer to another authority, an authority paramount to all others, and on which alone they would be willing to submit the question; they mean that of the divine author of Christianity itself.

In that celebrated sermon delivered on the Mount, a sermon which takes rank of all others, and develops a system of divinity more to be valued than all other systems in the world; he tells us "think not that I am come to destroy the law or the prophets; I came not to destroy but to fulfil"; and again "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them that despitefully use you and persecute you." And he then adds the reason, "that ye may be the children of your Father who is in Heaven; for he maketh his sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust." The Creator of all things acts impartially, and upon general rules and principles towards all his creatures; he makes no exceptions; whatever a man's faith may be, or whether he is destitute of faith entirely he shares in common with the rest of mankind the blessings and comforts of this life. Again he tells us, "Judge not that ye be not judged."

There is still another and a stronger commandment, a

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Frankfurt am Main

commandment which if we are Christians indeed we ought to obey, for this is the great criterion laid down by Christ himself," by this shall all men know that ye are my disciples, if ye keep my commandments." The commandment to which your committee refers, has been universally known and distinguished as the great rule of equity, the golden rule, "therefore all things whatsoever ye would that men should do to you, do ye even to them, for this is the law and the prophets."

This plain and simple rule which he "who runs may read —who reads may understand," embraces more in a few words than any other sentence that ever was recorded. Here is no room for sophistry, no cause for cavil, no doubt, no mystery, no exception: all is clear, convincing and conclusive.

All things, all matters of faith or practice, all that regards our social and common intercourse, all that regards our duties, civil, political or religious, is here included, is here embraced. "Whatsoever," mark well the words, they cannot be too often repeated, they cannot be too often held up to our recollection, "Whatsoever you would that men should do to you, do ye even so to them."

And if we examine the history of the great founder of Christianity, from his cradle to his cross, we always find him expressing himself in the most kind, generous and liberal manner, and always preferring the doers to the hearers of the word: "Not every one that saith unto me Lord, Lord, shall enter into the kingdom of Heaven, but he that doeth the will of my Father who is in Heaven. Not the empty professors of religion, not the mere subscribers to a belief in the truths of the gospel.

But if we are Christians in deed and in truth, we must believe that the Jewish nation will again be restored to the favor and protection of God. The story of that wonderful people, from the days of Abraham unto the present time, is full of interest and instruction; their first emigration to Egypt; their leaving that country for the land of Canaan; their passage through the Red Sea; their journey in the wilderness; their settlement in Canaan; their captivity at

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

Babylon; their restoration and final dispersion, afford a theme that never has been, never can be exhausted. They were once the peculiar people of God, they are yet a peculiar people; though scattered and dispersed in every country and in every clime, their future state will no doubt be more glorious than ever. And he who led their fathers through the deserts, has promised to lead them again to their native land. He who raised up and called Cyrus by name, can by the same power and with the same ease raise up a deliverer to His once favoured nation; and it is probable that the time is not far distant when this great event shall take place. Who that has ever contemplated the rise and progress of the Russian empire, and noticed the decline and fall of Turkey, but will agree that wondrous changes will ere long take place in that part of the world; and when the Crescent shall submit to the Eagle, may we not hope that the banners of the children of Israel shall again be unfurled on the walls of Jerusalem, on the Holy Hill of Zion?

Your committee could refer you to many declarations in Moses and the Prophets that speak of the fall and restoration of the Jews. Moses says, "The Lord shall scatter thee among all people from the one end of the earth even unto the other; so that all nations shall say, wherefore hath the Lord done thus." And again speaking of their final restoration, he says, "if any of them be driven out into the remote parts of Heaven, from thence will the Lord thy God gather thee, and from thence will He fetch thee. And the Lord thy God will bring thee into the land which thy fathers possessed, and thou shalt possess it. For the Lord shall judge his people and repent himself for his servants, when he seeth their power is gone. The fountains of Jacob shall be upon a land of corn and wine, also his heavens shall drop down dew. Happy art thou, O Israel, who is like unto thee, O people saved by the Lord the shoulder of thy help, and who is the sword of thine excellency, blessed is he that blesseth thee, and cursed is he that curseth thee."

And the prophet Isaiah thus expresses himself, "I will restore thy judges as at the first, and thy counsellors as at the

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

beginning, afterwards thou shalt be called the city of righteousness; the faithful city; for the Lord will have mercy on Jacob, and will yet choose Israel and set them in their own land."

Your committee could go on to multiply proofs upon proofs on this subject, until this report (long enough already) would be swelled into a volume; but let them rather refer you to the gospel and the epistles, to Moses and the Prophets, to the law and the testimony.

It is indeed one of the strongest proofs of the truth of Christianity, that there is such a people as the Jews. Take away the Jewish nation, take away Moses and the Prophets, and what becomes of Christianity? You would in fact tear away some of the strongest foundations, destroy some of its most incontrovertible evidences. The Jewish and the Christian systems are nearly, very nearly, allied; are they not even a species of Christians? What does the Apostle Paul say on this point when talking of Moses? "He esteemed the reproach of Christ greater riches than the treasurers of Egypt." The Jewish nation believes in Christ, in a Saviour, in a Messiah, yet to come; and the same Apostle also says: "I would not brethren, that ye should be ignorant of this mystery, less you should be wise in your own conceit; that blindness in part is happened unto Israel, until the fullness of the Gentiles be come in, and so all Israel shall be saved, as it is written, there shall come out of Zion the deliverer, and shall turn away ungodliness from Jacob."

It is in the interest and it ought to be the wish of every religious sect among us to see all political distinction forever abolished. Under the Constitution of the United States, the most perfect freedom is allowed in this respect, and it is surely inconsistent, it is surely strange, that a Jew who may hold a seat in Congress, who may even be raised to the highest and most honorable station in the universe, the chief magistrate of a free people, cannot hold any office of profit or trust under the Constitution of Maryland.

In three-fourths, or more, of the other states, particularly in all those whose constitutions have been recently formed,

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free, unrestrained freedom of religious opinion is enjoyed; mankind are improving in the arts and sciences, the stock of knowledge is fast increasing. Shall we not also improve in the arts of government; and shall Maryland—shall that very state which was originally settled by Catholics, by those, who in their turn had been proscribed and prohibited from making settlements in Virginia, and whose first founder, Sir George Calvert, was almost even denied the right of hospitality in that now hospitable state, except he would take the oath of supremacy and of allegiance—shall Maryland, which ought to lead the van in the glorious cause of freedom, civil, political and religious, be the last to adopt a system which the other states in general, and which the United States have adopted?

Shall your committee be told, that however just it may be to abolish all distinctions among religious sects, yet that is inexpedient to make innovations on the Constitution of Maryland? This is the language of prejudice. This savours too much of that narrow doctrine so often used in other countries by those who are styled legitimate monarchs, and by their adherents. Our own government, from its very foundation, was an innovation; the Declaration of Independence was an innovation; the reformation of Luther was an innovation; and to use the language of the eloquent Gerald, who fell a victim to tyranny, Christianity itself was an innovation.

Maryland possesses numerous advantages over many other states. Blest with a fruitful soil; with numerous navigable streams; with a noble bay, the wonder and admiration of the world, with situations for sea ports in abundance, it is therefore her interest to draw men of enterprise and of capital to her shores. The tide of emigration which is now flowing fast to the West, has already taken from Maryland many of her best and most industrious citizens, and although we need not hold out inducements to emigrants, we ought to let it be known that in Maryland, men enjoy civil and religious liberty, in as great a degree, as they do in any other state in the Union.

Your committee, therefore, are unanimously of opinion,

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

that it is just, that it is expedient, that Jews and Christians should be placed on an equal footing in regard to their civil rights and privileges. That the adoption of this measure is recommended by reason as well as by Scripture; stronger arguments are surely unnecessary. The mists of ignorance and of superstition are passing away at the approach of the sun of liberty; they are scarcely seen in other states; let them no longer cast a gloom over our beloved Maryland, let their baneful influence be felt no more; let them vanish forever.

Your committee therefore, beg leave to report a bill, entitled, "An act to extend to the sect of people professing the Jewish religion, the same rights and privileges that are enjoyed by Christians." All which is respectfully submitted.

By order,

J. W. PRESTON, CLK.

At the conclusion of the reading of the report Mr. Kennedy submitted the following bill, which was ordered to be read:

AN ACT

To extend to the sect of people professing the Jewish Religion, the same rights and privileges that are enjoyed by Christians.

WHEREAS, it is the acknowledged right of all men to worship God according to the dictates of their own conscience. And whereas, it is declared by the 36th Section of the bill of rights of this state, "That the manner of administering an oath to any person ought to be such as those of the religious persuasion, profession, or denomination of which such person is one, generally esteem the most effectual confirmation by the attestation of the divine Being. And whereas, religious tests for civil employment, though intended as a barrier against the depraved, frequently operate as a restraint upon the conscientious; and as the Constitution of the United States requires no religious qualification for civil office, therefore,

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Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

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Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

Sec. 1. Be it enacted, By the General Assembly of Maryland, that no religious test, declaration or subscription of opinion as to religion, shall be required from any person of the sect called Jews, as a qualification to hold or exercise any office or employment of profit or trust in this state.

Sec. 2. And be it enacted, That every oath to be administered to any person of the sect of people called Jews, shall be administered on the five books of Moses, agreeably to the religious education of that people, and not otherwise.

Sec. 3. And be it enacted, That if this act shall be confirmed by the General Assembly, after the next election of delegates, in the first session after such new election, as the constitution and form of government direct; that in such case this act and the alteration and amendments of the constitution and form of government therein contained, shall be taken and considered, and shall constitute and be valid as part of the said constitution and form of government, to all intents and purposes, any thing in the declaration of rights, constitution and form of government contained, to the contrary notwithstanding.

Sec. 4. And be it enacted, That the several clauses and sections of the declaration of rights, constitution and form of government, and every part of any law of this state, contrary to the provisions of this act, so far as respects the sect of people aforesaid, shall be, and the same is hereby declared to be repealed and annulled on the confirmation hereof.

The Bill was made the order of the day for January 13th, but was later postponed until January 20th, when the House proceeded to the second reading of the Bill. On a motion by Mr. Stephen the question was put, that the further consideration of the same be postponed until tomorrow. The motion was lost.

On motion by Mr. C. Dorsey the following order was read:

"Whereas, the Bill entitled, An Act to extend to the sect of people professing the Jewish religion, the same rights and privileges that are enjoyed by Christians, is intended to

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abolish a principle in the Constitution of this State incorporated in it as its first adoption. And whereas, it is consistent with the respect due to the opinions of the people thereof, that they should be advised of all propositions to modify or abolish any part of that instrument, so that their opinions and wishes may be learned by those to whom the power of legislation is delegated, before they shall be called upon to act thereon, therefore, Ordered, That the said Bill be referred to the consideration of the next General Assembly, and that the printer to the State be directed to publish the same, with the votes and proceedings of the present General Assembly."

Mr. Dorsey's motion that the House assent to the same was determined in the negative. On motion by Mr. Wilson, the question was put, That the further consideration of the said Bill be referred to the next General Assembly. This motion, too, was defeated.

The Bill was then read throughout and the question put by the Speaker: "Shall the Bill pass?" Mr. Kennedy, of Washington County, opened the debate with the following remarks:

Mr. Speaker:

It is with feelings of no ordinary kind, that I now rise to address this honourable house; the Bill which we are called to decide upon, is, in my estimation, the most important that has yet come before us; the most important that will come before us during the present session.

And, if I am asked why I take so much interest in favour of the passage of this Bill—to this I would simply answer, because I consider it my DUTY to do so. There are no Jews in the county from whence I come, nor have I the slightest acquaintance with any Jew in the world. It was not at their request; it was not even known to any of them, that the subject would be brought forward at this time.

And if there is any merit in bringing the case of these oppressed people before this house, that merit does not belong to me; I wish not to enjoy honours that I do not deserve, nor wear laurels that I have not earned. The subject

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

was mentioned to me in Baltimore during the last session, not by a Jew, but by a Gentile gentleman. My situation was then like that of many of the people of Maryland—I either did not know, was a subject indeed that had never until that time occupied a moment's reflection in my mind; but the moment it was mentioned, I was convinced that such distinctions were wrong and that they ought to be abolished forever.

It is well known to most of the members of this House that I am not a public speaker. Never before the last session of the Legislature did I ever venture to address a public assembly; yet although I know little of law and less of logic, and although I am master of no language but that which my mother taught me, on this occasion I am not afraid to meet any opponent, let his talents, learning and eloquence be what they may; and even if my frail vessel should meet with a storm, or suffer shipwreck on this voyage, I see many a friendly hand around me, who will not suffer the unskillful pilot to perish.

There is only one opponent that I fear at this time, and that is PREJUDICE—our prejudices, Mr. Speaker, are dear to us, we all know and feel the force of our political prejudices, but our religious prejudices are still more strong, still more dear; they cling to us through life, and scarcely leave us on the bed of death, and it is not the prejudice of a generation, of an age or of a century, that we have now to encounter. No, it is the prejudice which has passed from father to son, for almost eighteen hundred years.

It will, I presume, be conceded on all hands, that if there was no such thing as revealed religion, it would be a matter of little moment what a man's belief was; and that in selecting a civil or a military officer, it would not then be necessary to inquire whether he believed in the sun, or the moon, or in the host of heaven, whether he worshipped the Deity in the form of an ox, or a serpent, a bird or a beast. If there was no such thing as revealed religion (I repeat) it would be a matter of little moment, what a man's belief was.

But, thank heaven, there is such a thing as revealed re-

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

ligion; thank heaven, the path to life and immortality is made known to mankind by the glorious Gospel; is made known by the sacred volume (the Bible) I now hold in my hand, and to this sacred volume I appeal, and appeal with confidence; and I call upon any, or all the opponents of the present bill to point out a single sentence, or a single line, either in the Old or New Testament, that justifies a persecution or proscription of men for their religious sentiments, or that furnishes any authority for requiring such a test or qualification on an appointment to a civil, military or political office, as that contained in the Constitution of Maryland. There is no such authority in Scripture. I challenge contradiction on this point—there is none. I repeat it again, and again, there is none.

And if there is no foundation neither in reason nor in revealed religion, for requiring the test and qualification contained in the Constitution of Maryland, where shall we look for any authority to meet and support the case? In prejudice, in deep-rooted prejudice alone, can we find anything like the semblance of an excuse, for such provision, a prejudice that we ought to get rid of; provisions that it is high time to expunge from the Constitution.

When the birth of Christ was first announced by the angel of the Lord to the shepherds, who were watching their flocks by night, on the plains of Bethlehem, and when the "glad tidings of great joy" were made known to them, we are told that "suddenly there was with the angel a multitude of the heavenly host praising God and saying, Glory to God in the highest, and on earth peace, good will to men. "Good will to men!" To what men? To any particular nation or sect of men? No, good will to men—to all mankind, without regard to national distinctions, or sectarian denominations.

And when Christ himself appeared upon earth, we find him in every scene, and upon occasion, inculcating principles of the purest benevolence; and, it is surely a strange circumstance that Christianity, which is in itself a system, full of goodness, and boundless charity, should be made the excuse for bigotry, and persecution; should be made a cover

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

for narrowness of heart. These are the infirmities of human nature, and cannot in justice be ascribed to the Christian system. This spirit of intolerance showed itself among the first followers of Christ, for we are told that on a certain occasion when he was refused admittance into a Samaritan village, his disciples full of anger and revenge at the supposed insult, addressed Him in these words: "Lord, wilt thou that we command fire to come down from heaven and consume them, even as Elias did?" And what was His answer? In language that must have smitten them to the heart, and no doubt accompanied with a look, which must have made them feel more than language could express, He "turned and rebuked them and said, ye know not what manner of spirit ye are of, for the Son of Man is not come to destroy men's lives but to save them."

Sir, this narrow, persecuting spirit is not the spirit of Christianity, and Christianity has suffered much from the officious or misguided zeal of some who call themselves its friends, from the delusions of superstition and priest-craft, and (as a celebrated divine justly observes in a late publication), from "that theology which struts in fancied demonstration from a professor's chair." If people were to examine the doctrines of this sacred book more carefully themselves, we should have less occasion for interpreters and commentators; we should have less of bigoted zeal and intolerance, and more of that religion which in its purity, condemns everything that savors of uncharitableness; and if we strictly attend to the rules laid down in this volume, we never can go far wrong.

And what rewards did Christ promise to his faithful followers? Did He tell them that they should be raised to temporal dignities? That they should be chosen delegates and governors and judges? No, He told them directly the reverse, and prepared them by his instructions and by His example for a life of suffering, a life of persecution and self-denial. He told them to "lay up their treasures in heaven," to "seek first the kingdom of God and His righteousness," and He declared in a most emphatic manner, "My

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

kingdom is not of this world." The rewards He promised to His disciples were of a far higher, nobler kind; they were, life and immortality beyond the grave, mansions of peace in His Father's house, crowns of glory, fullness of joy and pleasures, the extent of which it hath not even entered into the mind of man to conceive.

But even in this life the Christian is not without his enjoyments, without his reward. What is it that reconciles us to misfortune and distress, to bear unmoved the loss of friends and of fortune, of riches and honors—it is Christianity. The Christian enjoys that sweet peace of mind which the world can neither give nor take away; it is this which enables him to bear up against the pressure of every earthly difficulty, every worldly sorrow; it is this which when his cheek touches his pillow at night teaches him to ask, and to ask with confidence, of his Father in Heaven to forgive his trespasses, because he can add "I have no enemy on earth that I do not from my heart forgive." This world is not his home; he looks for "another and a better world"; his hopes and his affections are placed on things above; on those blessed abodes prepared for the good and the just of every nation, and of every age.

It is a matter of astonishment that Christians who were so much persecuted themselves during the three first centuries after Christ, should in their turn have also become persecutors of those who differed from them in sentiment, even about matters not in themselves essential to salvation—the persecution against the Christians first commenced under the reign of that imperial monster, Nero, and was continued by Domitian, Adrian, Marcus Aurelius, Antonius, Diocletian and some other legitimates until the Emperor Constantine came into power and put a stop to those abominable outrages; but no sooner do we find Church and State united—no sooner do we find the temporal power and authority exercised in favour of Christianity, than we find its original simplicity and purity corrupted by the cunning craft of wicked and ambitious men who made a "gain of Godliness." From the third to the seventeenth century, what horrid scenes does the

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

history of Europe present; what a long list of bloody crimes, perpetrated in the name of Christianity, is upon record; crimes at which humanity shudders, crimes which almost surpass belief; examine the records of England even at a late period of her history, particularly under the reign of the bloody Queen Mary. Look at the histories of France, of Germany, of Switzerland, of Spain, and her hellish Inquisition, think of the murders, committed by the same accursed nation, in South America (murders for which she has suffered, and will suffer retribution) and say if you can help exclaiming, O, Christianity! (as was once said of liberty) O Christianity! what crimes have been committed in thy sacred, thy peaceful name! Inhuman villains, unparalleled monsters, were ye the ambassadors of the meek and lowly Jesus; were ye the minister of Him, who when His last sad hour was come, could not only himself pardon His persecutors, but who even in the agonies of death could cry out with all the fervour of patriot love: "Father, Father, forgive them, for they know not what they do." Were ye vicegerents of heaven? No, ye were the vicegerents of hell.

I profess myself a Christian—I was baptized at the sacred font, and have been a partaker (however unworthily) at the communion table. "I am not ashamed of the gospel of Christ, for I count it (with St. Paul) the power of God unto salvation, to every one that believeth." And yet I am free to declare that if Christianity cannot stand without the aid of persecution, without the aid of temporal power, let it fall; and let some other system more rational and more benevolent take its place. But it cannot fall; it is founded upon a rock, and even the gates of hell shall never prevail against it; nor is there any system more rational or more benevolent; and all our puny efforts to support it by persecution are vain and worse than vain—they are worse than vain, because they are wicked, because they are unjust.

Can that religion which was first promulgated by a few illiterate fishermen, and which has made such astonishing progress in the world, stand in need of the aid of temporal power to promote its interests and its growth? It has al-

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

ready succeeded in a most wonderful and miraculous manner, and we may as well endeavor to overturn the everlasting hills of the Allegany, or to drain the waters of the Chesapeake Bay, as to attempt to arrest or stop its progress. It hitherto has triumphed, it will continue to triumph.

And as a Christian I rejoice that there is such a nation as the Jews; I rejoice that the children of Israel yet exist as a peculiar people; to me it affords one of the strongest, most conclusive and incontrovertible proofs of the truth of Christianity, and of the sacred Scriptures; and where will Christians find, where will they look for an authority to justify their conduct in persecuting the ancient people of God? What is Christianity without them? What would be our condition had such a nation never existed? Christ himself, the Saviour of the world, was a Jew, was one of these persecuted and proscribed people.

Grant that their follies and their crimes have been great and manifold; are we without our share of crime and folly? "He that is without sin let him cast the first stone," was the language of Jesus himself; and are we, who are commanded to forgive our own enemies, to take up arms and avenge the insults offered to the omnipotent Jehovah?

"Let not our weak, unknowing hands
Presume thy bolts to throw,
And deal damnation round the land
On each we judge thy foe."

—Pope.

Are we fallen and guilty wretches to become, and to become unasked, the asserters of the honour of the great I AM? Of Him who has in language loud and plain declared, "Vengeance is mine, I will repay."

The history of the Jewish nation is the most authentic, as well as the most ancient of any upon record, and it is at the same time the most instructive and interesting; it is a history well worthy the attention not only of the Christian, but also of the statesman and the philosopher; and whatever

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may be the fate of this Bill, I shall never regret on my own account that the subject has been brought before the Legislature; for although the history of this people was familiar to me in the days of childhood and youth, I have of late become better acquainted with it; it has occupied much of my time for some months past, and every day, and almost every hour some new and striking occurrence in their history is made known, some wonderful accomplishment of prophecy arrests my attention.

If we look back to the days of Abraham, of Isaac and Jacob, we shall see the origin of the peculiar people. The writings of Moses tell us that they were to be "a peculiar treasure unto God above all people, a kingdom of priests—an holy nation." "Thou art an holy people unto the Lord thy God—the Lord thy God hath chosen thee to be a special people unto himself, above all people that are upon the face of the earth. The Lord did not set his love upon you, nor choose you, because ye were more in number than any people (for ye were the fewest of all people), but because the Lord loved you." "The Lord had a delight in thy fathers to love them, and he chose their seed after them even you, above all people, as it is this day; thy fathers went down into Egypt with three score and ten persons; and now the Lord thy God hath made thee as the stars of heaven for multitude." "The Lord hath chosen thee to be a peculiar people unto Himself above all the nations that are upon the face of the earth." "The Lord hath avouched thee this day to be His peculiar people, as He hath promised thee, and that thou shouldst keep His commandments; and to make thee high above all nations which he had made, in praise and in name, and in honour; and that thou mayest be an holy people unto the Lord thy God as He hath spoken."

The good man of every nation and of every religion must feel something like a sigh of pity and regret rise in his breast when he contrasts the past, with the present condition of this once highly favoured people; yet though we may weep and lament over their sad fate, we have this consolation, that to carry the mysterious plans of Providence into

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

complete effect it was necessary—it was fore-known, that they should be scattered and dispersed. This event was foretold in ancient times, by many of the prophetic writers; we are told so far back as the days of Moses: "I will set my face against you, and ye shall be slain before your enemies; they that hate you shall reign over you; and I will make your cities waste, and I will bring your sanctuaries into desolation, and I will bring the land into desolation, and your enemies which dwell therein shall be astonished at it; and I will scatter you among the heathen, and ye shall perish among the heathen, and they that are left of you shall pine away in their iniquity in their enemies' lands." "Thou shalt become an astonishment, a proverb, and a bye-word among all nations whither the Lord shall lead thee; and ye shall be left few in number, whereas ye were as the stars of heaven for multitude—and the Lord shall scatter thee among all people from the one end of the earth even unto the other." Their misfortunes are also described in a most impressive manner by many of the prophets: "Behold the Lord, the Lord of hosts doth take away from Jerusalem and from Judah, the stay and the staff, the whole stay of bread and the whole stay of water. The mighty man, and the man of war, the judge and the prophet. Jerusalem is ruined and Judah is fallen, her gates shall lament and mourn, and she being desolate shall sit upon the ground." "The land shall be utterly emptied and utterly spoiled." "Thus hath the Lord said, the whole land shall be desolate; yet will I not make a full end." "Then will I cause to cease from the cities of Judah and from the streets of Jerusalem the voice of mirth and the voice of gladness, the voice of the bridegroom, and the voice of the bride, for the land shall be desolate." "Behold the eyes of the Lord God are upon the sinful kingdom, and I will destroy it from off the face of the earth, saving that I will not utterly destroy the house of Jacob saith the Lord."

On this part of the subject I could refer to numerous passages in the writings of the prophets, all treating the same language and pointing to the same event, but it is unnecessary; the destruction of Jerusalem, the dispersion of

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the children of Israel are events that it is well known have long ago taken place; and the almost literal fulfilment of these prophecies are strong, are irresistible evidences of the truth of the sacred writings. And what is remarkable, what must always be a source of consolation to the children of Israel in all their afflictions and distresses, and like the Balm of Gilead assuage their secret griefs is, that a restoration, a deliverance is promised and promised, too, in many instances even at the time when their destruction and dispersion, was threatened and foretold.

I must here refer you to some remarkable prophecies that speak of the restoration of the children of Israel, in language clear and plain. In the 26th chapter of Leviticus which I have already quoted as a prophecy of their dispersion, at verses 42 and 44, after describing their misfortunes it is said, "Then will I remember my covenant with Jacob, and also my covenant with Isaac, and also my covenant with Abraham will I remember; and I will remember the land, and when they be in the land of their enemies I will not cast them away, neither will I abhor them to destroy them utterly, and to break my covenant with them." And in Deuteronomy, chapter 30, verses 3, 4 and 5—"Then the Lord thy God will turn thy captivity and have compassion upon thee, and will return and gather thee, from all the nations whither the Lord thy God hath scattered thee. If any of thine be driven out unto the outmost parts of heaven, from thence will the Lord thy God gather thee, and from thence will he fetch thee. And the Lord thy God will bring thee unto the land which thy fathers possessed and thou shalt possess it; and he will do thee good and multiply thee above thy fathers." And again, Deuteronomy, chapter 32, verse 36: "For the Lord shall judge his people and repent himself when he seeth that their power is gone, and there is none shut up or left." The prophetic spirit of Moses, which darted into futurity and through the long vista of time, saw the various changes which were to befall his favorite people, must have been soothed with this sweet reflection, that although they were

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to undergo so many and such severe trials, they were finally to be restored to the favor and protection of the Lord God of Heaven and of earth.

The prophet Isaiah, who is so often and so justly styled the Evangelical Prophet, and who is the most sublime writer, not only of the Old Testament, but of any writer, sacred or profane, with which I am acquainted; he whose hallowed and inspired lips were touched with a live coal from the Altar, is also particularly full, clear, plain and explicit on this subject, in numerous passages of his writings. He tells the children of Israel in the name of their God, "I will restore judges as at the first and thy counsellors as at the beginning, afterwards thou shalt be called the city of righteousness, the faithful city." "The remnant shall return, even the remnant of Jacob unto the mighty God; for though thy people Israel be as the sand of the sea yet a remnant of them shall return." "And it shall come to pass in that day that the Lord shall set his hand again the second time, to recover the remnant of his people which shall be left from Assyria and from Egypt, and from Pathros, and from Cush, and from Elam, and from Shinar, and from Hamath, and from the Islands of the sea; and he shall set up an ensign for the nations, and shall assemble the outcasts of Israel, and gather together the dispersed of Judah from the four corners of the earth; and the Lord shall utterly destroy the tongue of the Egyptian sea; and with his mighty wind shall he shake his hand over the river, and shall smite it in the seven streams, and make men go over dry-shod. And there shall be an highway for the remnant of his people, which shall be left from Assyria, like as it was to Israel in the day that he came up out of the land of Egypt." "For the Lord will have mercy on Jacob and will yet choose Israel and set them down in their own land." "And it shall come to pass in that day that the Lord shall beat off from the channel of the river unto the stream of Egypt, and ye shall be gathered one by one, O! ye children of Israel. And it shall come to pass in that day, that the great trumpet shall be blown, and they shall

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

come who were ready to perish in the land of Assyria, and the outcasts in the land of Egypt, and shall worship the Lord in the holy mount at Jerusalem."

"And therefore will the Lord wait that he may be gracious unto you; and therefore will he be exalted that he may have mercy upon you; for the Lord is a God of Judgment, blessed are all they that wait for him. For the people shall dwell in Zion at Jerusalem; thou shalt weep no more; he will be very gracious unto thee at the voice of thy cry; when he shall hear it he will answer thee. And though the Lord give you the bread of adversity and the water of affliction, yet shall not thy teachers be removed into a corner any more, but thine eyes shall see thy teachers." "Thou Israel art my servant, Jacob whom I have chosen, the seed of Abraham my friend, I have chosen thee and not cast thee away, fear thou not for I am with thee, be not dismayed for I am thy God." "O Israel thou shalt not be forgotten of me, Jerusalem thou shalt be inhabited, the cities of Judah ye shall be built, and I will raise up the decayed places thereof." "Israel shall be saved with an everlasting salvation; ye shall not be ashamed nor confounded, world without end." "The Lord shall comfort Zion; he will comfort all her waste places, and he will make her wilderness like Eden and her desert like the garden of the Lord." "Awake, awake, stand up, O Jerusalem which hast drunk at the hand of the Lord, the cup of his fury; thou has drunken the dregs of the cup of trembling and wrung them out. Therefore hear now this thou afflicted:—Thus saith thy Lord that pleadeth the cause of his people. Behold I have taken out of thine hand the cup of trembling, even the dregs of the cup of my fury; thou shalt no more drink it again; but I will put into the hand of them that afflict thee." "For I will not contend forever, neither will I be always wroth; for the spirit should fail before me, and the soul which I have made I have seen his ways and will heal him; I will lead him also and restore comfort to him, and to his mourners." "Thou shalt no more be termed forsaken, neither shall thy land any more be termed desolate." "Rejoice ye with Jerusalem, and be glad with

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

her all ye that love her; rejoice for joy with her ye that mourn for her; for thus saith the Lord, I will extend peace to her like a river, and the glory of the Gentiles like a flowing stream; and when ye see this, your hearts shall rejoice, and your bones shall flourish like an herb; and I will set a sign among them, and I will send those that escape of them into the nations, to Tarshish, Pul and Lud, that draw the bow, to Tubal and Javan, to the isles afar off, that have not heard my fame, neither have seen my glory; and they shall declare my glory among the Gentiles. And they shall bring all your brethren for an offering unto the Lord out of all nations, upon horses, and in chariots, and in litters, and upon mules, and upon swift beasts to my holy mountain Jerusalem, saith the Lord—for as the new heavens and the new earth which I will make, shall remain before me saith the Lord, so shall your seed and your name remain."

The Prophet Jeremiah also talks of the restoration of the children of Israel, in very plain terms, "Behold the days come saith the Lord, that it shall no more be said the Lord liveth that brought up the children of Israel out of the land of Egypt, but the Lord liveth that brought up the children of Israel from the land of the North, and from all the lands whither he had driven them; and I will bring them again into their own land that I gave unto their fathers, and they shall dwell in their own land." "As clay is in the potter's hand, so are ye in mine hand, O house of Israel." "I will be the God of all the families of Israel and they shall be my people. I will build thee and thou shalt be built, O virgin of Israel; thou shalt yet plant vines upon the mountains of Samaria; behold I will bring them (the remnant of Israel) from the North country, and gather them from the coasts of the earth, a great company shall return thither. He that scattered Israel will gather him."

"And it shall come to pass, that like as I have watched over them to pluck up and to break down, and to throw down and to destroy, and to afflict; so will I watch over them, to build and to plant, saith the Lord. Thus saith the Lord which giveth the sun for a light by day, and the ordinances

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of the moon and of the stars for a light by night, which divideth the sea when the waves thereof roar; the Lord of Hosts is his name; if those ordinances depart before me, saith the Lord, then the seed of Israel also shall cease from being a nation before me forever. If Heaven above can be measured, and the foundations of the earth searched out beneath, I will also cast off all the seed of Israel for all that they have done saith the Lord." Most emphatic—most encouraging in these words—"Thus saith the Lord, if my covenant be not with day and night, and if I have not appointed the ordinances of heaven and earth—then will I cast away the seed of Jacob, and David my servant, so that I will not take any of his seed to be rulers over the seed of Abraham, of Isaac and Jacob; for I will cause their captivity to return saith the Lord." "I will cause the captivity of Judah and the captivity of Israel to return, and I will build then as at the first." "Fear not thou, O my servant Jacob, and be not dismayed O Israel; for behold I will save them from afar off and thy seed from the land of their captivity, and Jacob shall return, and be in rest, and at ease, and none shall make him afraid. Fear thou not, O Jacob, my servant saith the Lord, for I am with thee, for I will make a full end of all the nations whither I have driven thee, but I will not make a full end of thee, but correct thee in measure; yet will I not leave thee wholly unpunished."

The prophet Ezekiel also predicts the restoration of Israel. "Therefore say—thus saith the Lord God, although I have scattered them among the countries, yet will I be to them as a little sanctuary in the countries where they shall come. I will even gather you from the people, and assemble you out of the countries where ye have been scattered, and I will give you the land of Israel." "I will bring you out from the people and will gather you out of the countries wherein ye are scattered with the mighty hand, and with a stretched-out arm, and with fury poured out. I will accept you with your sweet savour when I bring you out from the people and gather you out of the countries

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

wherein ye have been scattered." "I will bring them out from the people, and gather them from the countries and will bring them to their own land." "I will take you from among the heathen, and gather you out of all countries, and will bring you into your own land; and ye shall dwell in the land that I gave to your fathers." "Thus saith the Lord God; behold I will take the children of Israel from among the heathen whither they be gone, and will gather them on every side, and bring them into their own land; and I will make them one nation upon the mountains of Israel, and they shall dwell in the land that I have given unto Jacob my servant, wherein your fathers have dwelt." "Now will I bring again the captivity of Jacob, and have mercy upon the whole house of Israel, neither will I hide my face any more from them."

The prophets Daniel, Hosea, Joel, Amos, Obadiah, Micha, Zephaniah and Zachariah, all speak of this event—Zachariah, in particular, dwells largely upon the subject—"Thus saith the Lord of Hosts; there shall yet old men, and old women dwell in the streets of Jerusalem, and the streets of the city shall be full of boys and girls playing in the streets thereof. Behold I will save my people from the east country and from the west country, and I will bring them and they shall dwell in the midst of Jerusalem. And it shall come to pass that as ye were a curse among the heathen, O house of Judah and house of Israel, so will I save you and ye shall be a blessing. Thus saith the Lord of Hosts it shall come to pass, that ten men shall take hold out of all languages of the nation, even shall take hold of the skirt of him that is a Jew, saying we will go with you; for we have heard that God is with you." "I will have mercy upon them, and they shall be as though I had not cast them off, I will hiss for them and gather them, for I have redeemed them; and I will sow them among the people, and they shall remember me, in far countries and they shall live with their children and turn again; I will bring them again, also out of the land of Egypt, and gather them out of Assyria, and I will bring them into

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

the land of Gilead and Lebanon." "Jerusalem shall be inhabited again in her own place, even in Jerusalem, the Lord also shall save the tents of Judah first, that the glory of the house of David, and the glory of the inhabitants of Jerusalem do not magnify themselves against Judah; in that day shall the Lord defend the inhabitants of Jerusalem, and he that is feeble among them shall be as David; and the house of David shall be as God, as the angel of the Lord before them, and it shall come to pass in that day that I will seek to destroy all the nations that come against Jerusalem." "And there shall be no more utter destruction, but Jerusalem shall be safely inhabited."

Mr. Speaker, I could refer to many more passages of the same kind were it at all necessary; for scarcely can the prophetic writings be opened, but we find the subject placed before us in language that can neither be misunderstood nor perverted; and among the inspired writers under the Gospel dispensation, we find the restoration of the Jewish nation frequently spoken of—I will only quote a few sentences from the New Testament on the subject.

The Apostle Paul in his writings, particularly in the epistle to the Romans, always appears to have felt much interest in the fate of the children of Israel—"Brethren my heart's desire and prayer to God for Israel is, that they might be saved." "What then are we better than they? No, in no wise." "For there is no difference between the Jew and the Greek; for the same Lord over all, is rich unto all that call upon him." "I say then, hath God cast away his people? God forbid—God hath not cast away his people which he foreknew. "Through their fall, salvation is come unto the Gentiles; now if the fall of them be the riches of the world, and the diminishing of them, the riches of the Gentiles, how much more their fullness, for if the casting away of them, be the reconciling of the world, what shall the receiving of them be—but life from the dead; for I would not, brethren, that ye should be ignorant of this mystery (lest ye should be wise in your own conceits), that blindness in part is happened to Israel until the fullness of the Gentiles be come in; and

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so—all Israel shall be saved, as it is written—there shall come out of Zion the deliverer—and shall turn away ungodliness from Jacob.''

If we, therefore, Mr. Speaker, believe in the scriptures of the Old and New Testaments, we must believe that the children of Israel will again be restored to their own land; and their receiving, we are told, shall be like ''life from the dead.'' Their past misfortunes will ultimately tend to their advantage; from the past they will learn wisdom; from the circumstances of having been scattered and dispersed over the earth, they will gather a large stock of useful information from every country, from some of the knowledge of the arts and sciences, and from America they will carry the forms of republican government which will lead them to avoid in future the great evil of choosing a king, an error which was the cause of many of their troubles and sufferings. And if we are Christians indeed we ought to do all in our power to promote so desirable an object; and that great event may be nearer at hand than most of us are aware of; events almost as miraculous, and certainly much more unexpected, have taken place in our own days, and what consolation will it be in future, to think, that we aided in furthering the glorious work; for my own part I would rather have my name recorded among the supporters of this bill, than to be raised to the highest office in the state.

And surely this desirable event is not to be produced nor assisted by laws and statutes of proscription, and of persecution; let us judge the Jews by ourselves; are we ready to yield our opinions, to sacrifice our sentiments upon any subject when compulsion is used? No, it renders us more obstinate in their defense; persecution has never yet made a single sincere convert, nor is it at all necessary to hold out lines, and offer bribes to induce men to become Christians, to tell them—''Subscribe to our belief and you shall have office.'' Christianity disclaims such assistance, Christianity needs it not.

Nor can we, sir, as Christians, find fault with the Jewish system of morality for theirs is the foundation of our own,

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

and is in strict unison and alliance with it. The laws delivered to the children of Israel by God Himself, are those which have been repeated to us as rule and guide. To love God, and love our neighbor is the sum and substance of the Moral law, and the doctrines of the Old Testament, are in strict accordance with those of the New. Hear how David describes the leading characteristics of a good man. "Lord, who shall dwell in thy tabernacle? or who shall rest upon thy holy hill? Even he that leadeth an uncorrupt life, and doth the thing which is right, and speaketh the truth from his heart; he that hath used no deceit in his tongue, nor done evil to his neighbor, and hath not slandered his neighbor, he that setteth not by himself but is lowly in his own eyes. Who shall ascend into the hill of the Lord? or who shall rise up in his holy place? Even he that hath clean hands and a pure heart—he shall receive the blessing from the Lord." And Isaiah, in his grand poetical manner, breaks forth in a rapturous strain on the same subject: "Thus saith the high and lofty one that inhabiteth eternity, whose name is Holy—I dwell in the high and holy place, with him also that is of a contrite and humble spirit, to revive the spirit of the humble, and to revive the heart of the contrite ones." Can men whose religion is so pure in its principles, ever prove dangerous members of society and unfit to be trusted in civil matters? If we condemn them, we at the same time condemn ourselves.

And is it not a remarkable fact, that Christians are indebted to the Jews, for a very considerable portion of their religious exercise? You cannot, sir, go into any church without hearing their writings quoted, and very often the text from which a discourse is to be delivered to a Christian congregation is taken from a Jewish writer. And what, Mr. Speaker, would the public and private devotions of many Christians be were they debarred from the use of the oracles first delivered to the Jews, from the Psalms of the sweet singer of Israel, and from the sublime effusions of the prophets? No later than last Sunday when at church in this place, I was not a little surprised to find that out of fourteen

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

select sentences with which the Morning Service commenced, no less than ten were taken from the Old Testament. And on examination it will be found that the Book of Common Prayer from first to last is full of the Jewish writings; stripped of them, it would indeed be a short manual; and yet we Christians, who kindle the flame of our devotion at their sacred fires, and who are so much indebted to them for spiritual things, refuse to let them have any share of our temporal things; so fond are we of the loaves and fishes ourselves, so greedy after the very garbage and offal of office, we cannot spare them the smallest crumb—the least morsel. Sir, this is not Christianity, and I blush to think that our religion should be made a cover for such manifest injustice, such strange inconsistencies, and absurdities, but I dare not enlarge on this part of the subject; I have no patience even to think on it, and we are all Christians, all at least RECORDED CHRISTIANS, I trust we shall prove ourselves so indeed, and in truth, and do as we would be done by. There are few Jews in the United States; in Maryland there are very few, but if there was only one—to that one, we ought to do justice. I have already observed that I have no acquaintance with any of them, but I have good authority for saying, that those among us are worthy men, and good citizens; and during the late war, when Maryland was invaded, they were found in the ranks by the side of their Christian brethren fighting for those who have hitherto denied them the rights and privileges enjoyed by the veriest wretches.

Their situation is far different in every other state in the Union—their situation is very different even under some of the despotic governments of Europe. We are told by a late writer speaking of the Jews in Moldavia that their state and condition in that portion of Poland furnishes matter for very curious remarks—there they have obtained their greatest and most permanent settlements, and enjoy privileges and immunities which they possess in no other region—they farm all the distilleries—the inns are all in their hands—they have the monopolies of peltry, the precious metals, diamonds, etc.,

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

and the principal share in the traffic of corn. Many of these richest families have been ennobled, the noble houses of Ossolenski, Majerski, and Ravinczinski, are all of Hebrew origin, the author adds—"The enjoyment of liberty and civil rights seems to have produced a strong effect on the physical constitution and physiognomy of this singular race, bestowing a dignity and energy of character upon them, which we may in vain look for in those of other countries—the men clothed in front with silver agraffes—their heads covered with fur caps—their chestnut or auburn locks parted in front and falling gracefully on the shoulder in spiral curls, displays much manly beauty, nay, I have frequently contemplated with astonishment many amongst them, whose placid, yet melancholy countenances recalled to my recollection the heads depicted by Raphael, Leonarda da Vinci, Carlo Dolce, and the earlier Italian painters which until I visited Poland, I had conceived to exist only amongst the ideal forms of art. More than once, an involuntary awe seized me, on contemplating on the shoulders of an Hebrew villager, a head presenting those traits of physiognomy, which by a long association, I had always conjoined with the abstract ideal countenance of the Saviour of the world."

But the privileges enjoyed by the Jews in Moldavia and in our sister states, are denied in Maryland, because they will not subscribe to our belief. Is it not arrogance, and arrogance not at all congenial with the spirit of Christianity for us to say, in fact that we Christians, and we only are all that is great and good, that we only can be trusted to fill public offices. Even where Christianity is unknown, is unthought of. we find numerous instances of the most disinterested magnanimity and virtue. The God of nature has implanted in the human heart the noblest, finest feelings, which often leads the most ignorant to perform deeds of benevolence and charity: what is it that impels the weather beaten sailor, after the battle is over to plunge into the raging ocean and risk his own life to save that even of an enemy? What was it when the gallant Smith (one of the first settlers of Virginia) was taken prisoner by the Indians and doomed to

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

die, that induced the amiable Pocahontas to intercede with her father, King Powhatan for the captive's life; and when her tears and entreaties proved unavailing—when the fatal club was raised to murder him, what made her like a ministering angel rush in between Smith and his executioner—clasp him to her affectionate bosom, lay her head upon his and arrest the stroke of death? She had never heard the sound of the Gospel, but she possessed that godlike disposition which Christians ought to cherish, and her heroic magnanimity melted the soul of the savages and gave life and liberty to the captive. What was it, in our own days, and but a few months ago, on the southern frontier that caused Milly, the daughter of the prophet Francis, like another Pocahontas, to save the life of Duncan M'Rimmen at the risk of her own? and when he, full of genuine gratitude, offered her his hand, the generous girl nobly refused it, saying she "would have done the same for any other white man". It was not Christianity that caused her to act in this manner but it is the true spirit of Christianity to act nobly thus disinterestedly.

A religious test can never be productive of any good effect, it may prevent the honest, and the conscious, from accepting an office, but the depraved, the ambitious man, will not be stopped by so feeble a barrier. Nor is there any earthly mode by which it can be ascertained what a man does believe, you have his own word for it, and that is all you ever can have; and if it is his wish or his interest to act the hypocrite, you have no means to detect him; but it would not be a difficult task to prove that instances have occurred in Maryland, of men declaring and subscribing their belief in the Christian religion in which they at the same time did not believe.

If any test is necessary under a republican government, such as ours is, it should be of a political rather than a religious nature; but if I was to proscribe any particular sect among us, as men that ought not to hold civil offices, it would be the Society of Friends. Not that I count them or their principles dangerous, they are a peaceable people, and

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

enjoy much of my respect, but as they refuse to perform military duty, they could not complain if civil offices were denied them. On search we have duties to perform to society as well as to our Creator; and what would have been the situation of this country during the revolutionary war, or during the late war, had the people of the United States been all Quakers? Independence would never have been achieved, you, Mr. Speaker, would not have filled that chair, I should not now have been here to address you. And on this point in my humble opinion Christ himself justifies military services; he tells us "Render unto Caesar the things that are Caesar's," and military services are as necessary to support a government as taxes or tribute. Here, thank God, we have no Caesars; the people are the sovereigns and they are still more entitled to their "own things" than any Caesar. But let me not be misunderstood, I would not proscribe any sect, let their religion principles be what they might.

It may be a matter of surprise to some persons that a religious test should have been inserted in the constitution of Maryland; but it ought to be remembered that the constitution was framed at an early period; it is the oldest I believe among state constitutions, and the dominion of prejudice still exists in some degree, and prejudices of this kind, as I observed before, are strong and powerful. In Europe thirty years ago, it was often said that the United States could not stand because they had no established church, and it was left to America to set the glorious example to the rest of the world and to prove beyond contradiction, that a nation and a government can flourish, can prosper, without the aid of a church establishment; and that Christianity can and will succeed without the aid of temporal power, we ourselves are witnesses of the great progress of its principles in this country and in this state within the last ten or fifteen years.

Perhaps I have, Mr. Speaker (young as I am), seen and felt more of the effects of religious prejudice than most of the members of this house. I once had a father who was a strict and undeviating Christian in his walk and conversation, and who would not have injured his neighbor for the wealth of

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

the world; yet that father with all his piety, was so wedded to his Presbyterian opinions that he would rather have followed his twelve children to the grave, than seen one of them turn Roman Catholic; a hereditary hatred had subsisted for ages between those sects, and each of them too often used violent means in support of their doctrines. Calvin, the father of Presbyterianism, was instrumental in having the celebrated Michael Servetus put to death in Geneva, because he did not believe in the Holy Trinity, and even Luther, the great reformer, thought it lawful to banish those whom he called heretics.

I never expect to be so good a man as my father, but having seen so many more Catholics than he, and having been intimate with many of them, and having found them as amiable in all respects as the professors of other doctrines—my prejudice against them, if ever I had any, is forever at an end.

Were I to enlarge on the prejudices that yet exist in the world—prejudices that seem to be cherished even by those we call enlightened governments in Europe, it would be easy to shew their folly and absurdity. Look even at England herself, where only Episcopalians or those who choose for the sake of an office to profane the Sacrament of the Holy Supper, are admitted to hold offices. Look at miserable Ireland, the great stay and support of England, where nearly three-fourths of the people are proscribed, and refused an office except they will turn hypocrites and abjure the religion of their fathers. Prejudice reigns there with a vengeance—and covers itself with the holy cloak of religion, with the mantle of Christianity.

But, sir, it is not many years since Catholics were proscribed even in this free country. In the state of New York a holy hatred of them was inculcated by Church and State, and one of their intolerant acts of assembly which continued in force until our independence, will show the horror and detestation in which they were held. It runs in this language: "Every Jesuit Seminary, Priest, Missionary or other Spiritual or Ecclesiastical person, made or ordained

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

by any authority, power or jurisdiction, derived challenged or pretended from the Pope or See of Rome, or that shall profess himself, or otherwise appear to be such by practicing or teaching of others to say popish prayers, by celebrating of masses, granting of absolution, or using any other of the Romish ceremonies or rites of worship, by what name or title or degree soever, such person shall be called or known, who shall continue, abide or come into this province, or any port thereof after the first day of November, aforesaid, (1700) shall be deemed and accounted an incendiary, and disturber of the public peace and safety, and a disturber of the true Christian religion and shall be adjudged to suffer perpetual imprisonment. And if any person being so sentenced and actually imprisoned, shall break prison and make his escape and be afterwards retaken; he shall suffer such pains of Death, penalties and forfeitures as in cases of felony."

But to come nearer home, to come even to our own home —to Maryland, we find that this very state which we first settled under the auspices of Sir George Calvert, a Catholic nobleman, was also blessed with one of those falsely called "true Christian acts." For they were all alike the offspring of unjust, inveterate prejudice or persecution. Among the acts and orders of a General Assembly holden at Patuxent the 20th of October, 1654, is an act entitled, "An act concerning Religion" whereby it was enacted and declared—"That none who professed and exercised the Popish (commonly called the Roman Catholic) religion could be protected in this province by the laws of England formerly established and yet unrepealed, nor by the government of the commonwealth of England, but to be restrained from the exercise thereof, etc." And this was also extended even to Prelacy —or in other words to Episcopacy as well as to Popery; even the book of common prayer was forbidden to be used under pain of fine and imprisonment.

But even at this day, we have some SLEEPING STATUTES in Maryland, under which many of our most respectable citizens are liable to an ignominious punishment—nay

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

even to death itself, if they honestly dare to avow their religious opinions; I allude particularly to the act of 1723, chapter 16 and it is time, it is high time, that all such statutes should cease to exist, and it is surely the interest of every religious sect amongst us, to use their influence in support of free and unrestrained toleration—what has been, may be, some dominant sect may come into power, who may think they do God service by offering human sacrifices, and it is our duty as legislators to guard against such a deplorable state of things by all the means within our delegated powers —we can do no better act for religion than to leave it free and unrestrained, for it is a stubborn fact, that no worldly power has any regret to restrain it—and we can do no better act for Christianity for it neither asks nor requires—nor authorizes civil governments to promote its cause.

I mean to assert, and I call on gentlemen to contradict me, to put me right now if I am wrong, that MARYLAND is the only state in the UNION where Jews are excluded from all offices. I have examined the constitution of all the states on this point, with particular care and attention. In Massachusetts, it is true (and the constitution of that state was also formed at an early period, and like that of Maryland during the storms and tempests of the revolutionary war) in Massachusetts it is required that "any person chosen governor, or lieutenant governor, counsellor, senator or representative, and accepting the trust, shall before he proceed to execute the duties of his office, take, make and subscribe the following declaration, viz: I, A. B. do declare that I believe the Christian religion, and have a firm persuasion of its truth." Const. Massa. chap 6, art 1st and 2nd. But any other office, civil or military, may be held by a Jew—in Maryland, then, I repeat—and in Maryland alone—is a Jew excluded from office of every kind—and though compelled to pay taxes—though compelled to do military duty—and though he may distinguish himself by his talents, let his virtue, his merit be ever so great he cannot hold an office of any kind whatever.

In all the other state constitutions there is no declaration or subscription or belief required, and in those of a recent

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

date, religious liberty is particularly well guarded—even in Connecticut, that land of steady habits, the principles of free toleration is engrafted upon her constitution which was formed during the last year, and for this one noble act, I, for one, am willing to forgive Connecticut a multitude of political sins.

And, sir, when that illustrious man, whose picture graces our walls, and whose noblest act of a noble life was done under this roof—an act that will always render this house sacred in my estimation; I mean when he resigned his power into the hands of the people—when Washington and a band of worthies, composed of the most enlightened men that the American people could select, or could have selected, met to "form a more perfect union, establish justice, insure domestic tranquility—provide for the common defense—promote the general welfare, and secure the blessings of liberty to themselves and posterity"—and when they did form a constitution under which this country has risen to greatness and glory, what test or qualification did they declare ought to be required from those who were to guide the destinies of a great and rising empire? Merit, and merit alone, was the qualification required, yet in the true spirit of republicanism the people were left to be the sole judges of that merit—and the only oath prescribed to the highest office, to him who was to fill the presidential chair, was simply this: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States." He is not required to declare whether he is a Jew, or a Gentile, a Christian or an infidel; indeed, so particular in this respect were the great Washington and his compatriots in framing the constitution, that they engrafted the following emphatic and important, and wise and liberal sentence at the close of that memorable instrument: "No religious test shall ever be required as a qualification to any office or public trust under the United States." We all profess a regard for the character and principles of

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

Washington—let us then walk in his path, and follow his truly Christian example.

Is it not strange, is it not absurd and ridiculous that a Jew should be denied every office under the State of Maryland, and yet be eligible to all offices under the Constitution of the United States? With us he cannot be a constable—a justice of the peace—a practicing attorney or an ensign in the militia—with them he may be a judge of the Supreme Court, hold a seat in Congress, command the armies of the United States, or even fill the Presidential chair. Such strange inconsistencies ought to exist no longer. The bill before us does not go to exempt any but Jews from declaring and subscribing their belief in the Christian religion, and they believe in the Scriptures of the Old Testament, and their God is our God. On this point, however, I must candidly declare that were it left to me, I would abolish the religious test entirely without any exception, and am ready should it meet with the approbation of the House, to submit a motion to that effect, so as to make the bill general.

Mr. Speaker, had I the tongue and the talents of a Cicero, or a Demosthenes or of him, the unrivalled orator of Maryland, the illustrious Pinkney, who sails along the ocean of argument, in all the majesty of heaven-born eloquence, and who with equal ease and dignity, delights, astonishes, confounds, convinces and bears down all opposition—I could talk to you on this subject until the sun went down, and rose again; he would soar when I sink, he might succeed where I may fail.

But perhaps it is well for the Jews that they have not such an advocate; you might in such a case distrust your sober senses, and fear that you were deceived, or imposed upon by his irresistible powers; it is well for the Jews that their cause needs not the aid of talents and eloquence; with truth and justice on their side we need not fear the result, nor do I fear it. That the bill will pass I have no doubt, but I do not wish to see it pass by a casting vote, or by a lean majority; for the honour of Maryland I wish to see it

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

pass unanimously. I wish to see the votes all recorded upon one side—affirmative, all; negative, none.

Poor, hapless, unfortunate children of Israel, how are ye fallen; once the peculiar people of God, and enjoying His favour, His protection, and His immediate presence; blest with a land flowing with milk and honey, with a climate bland as the dews of heaven, and a soil luxuriantly fertile; now scattered and dispersed, oppressed and persecuted, without a country and without a home. Ye have drank deep of adversity's bitter draught; ye have indeed emptied "the cup of trembling even unto the dregs"—yet scattered and dispersed as ye have been; amidst all your distresses and unparalleled sufferings—ye have still been faithful and true to the religion of your forefathers; ye have still worshipped the God of Abraham; and ye have lived to see your destroyers destroyed. But fear not, ye sons of Jacob; faint not, ye children of Israel; though cast down, ye shall never be destroyed, persecuted, ye shall never be utterly forsaken; the hour of your deliverance approaches; the day of your redemption draweth nigh; and He who led your fathers through the wilderness, He who has hitherto preserved you as a nation—as a peculiar people—will ere long restore you to the promised land.

But think not that I mean to supplicate your mercy, or to use the tone of pity in behalf of these oppressed people; no, Mr. Speaker, I would not accept the passage of the bill now on your table as a boon or as a favour. I take higher and more independent ground. I demand it as an act of justice, sheer justice, and whatever may be the fate of the bill, it will always be a proud consolation to its friends, to think that there has been no intrigue, no out of doors influence, or management used in its behalf. And to the honour, to the praise of the Jews be it spoken, we have not seen them busying themselves, crowding our lobby, or waiting on us at our chambers; they have acted with a noble delicacy on the occasion, and much as I have the passage of this bill at heart, much as I lament their fate, if they cannot succeed openly and honorably, I do not wish them to succeed at all.

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

I trust there is no member of this House who will refuse to vote in favour of the bill for fear it might injure his own, or his party's popularity; sir, that ephemeral popularity, gained by temporising conduct is not worth having; and if the political party to which I am attached, to which I always have been attached, cannot triumph without a sacrifice of principles, I pray God they never may triumph; but fears on this score are groundless, are only imaginary.

Mr. Speaker, I will no longer trespass upon the time and patience of the members of this honourable House, and when I look around me and see so many countenances beaming with benevolence I cannot think for a moment that this bill will not pass, or that the children of Israel will be refused their just rights; and I call upon you, as men, who love to enjoy the free exercise of your own opinions to do them justice. I call upon you as legislators to whose hands are committed the destinies of a free and generous people to do them justice. I call upon you as Christians, to consider what you would expect, what you would ask, were you now in their situation—and to do them justice, do them justice—I ask no more.

Scarcely had Mr. Kennedy taken his seat when Mr. Washington, of Montgomery county, obtained recognition from the Speaker, Col. James Brown, of Queen Anne's county, and made a short speech in reply. He was followed by Mr. E. S. Thomas, of Baltimore county, who advocated the bill in a brief but forceful address. Then arose Judge H. M. Breckenridge, who proved a worthy second to Mr. Kennedy. A man of erudition, splendid culture and gracious charm, he stirred his audience by his eloquence and diction.

Mr. Breckenridge represented the city of Baltimore. He was elected to the House of Delegates in 1818. The year before he had served as secretary to the Mission of the United States to Buenos Ayres. For several years he was United States Judge of West Florida. He was the author of "A Voyage to South America in the Frigate Congress." He was finely equipped intellectually and with fitting eloquence and logic tore the arguments of his opponents to tatters.

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

Mr. Breckenridge said:

Could I, for a moment, suppose it possible for the bill on your table to weaken, in the slightest degree, the attachment we all profess for our holy religion, or could I bring myself to believe that even innocent and harmless prejudices are treated with insult by bringing it forward, I should not be among its advocates. But, sir, I feel a firm conviction that there is no room for any such apprehensions. The known private and public worth, as well as the firm and fixed religious principles of the gentleman with whom the bill originated, and who has supported it in a manner so becoming the American statesman and Christian, preclude the idea. He has successfully proved to my mind that there is nothing in the faith we profess, which enjoins it on us to hold to the principle engrafted in the constitution, although contrary to the progressive wisdom of the political world. To this test, I will endeavor to bring the question: I will endeavor to show that the constitution, as it stands, is entirely contrary to all sound and received political notions of the present day, as may be gathered, without the least danger of mistake, from the opinions publicly avowed, of all enlightened, not only of America, but throughout the world, as well as from the unequivocal sanction of the highest and most respectable political bodies of this country. The subject, although of the most fruitful nature, properly resolves itself into three questions. Are the Jews entitled to be placed on a footing with other citizens? Is there any powerful reason of state policy, constraining us to make an exception unfavorable to them? Is there anything incompatible with the respect we owe to the Christian religion, in allowing them a participation in civil offices or employments?

To go back, sir, to first principles (and in examining institutions founded upon them we must often do so) it cannot be denied that we have duties to perform to our Creator, as well as to society, and unless the obligation attending on these duties be clearly understood, we shall wander without end. It is unquestionably the right of society to compel everyone, who enjoys its protection, to conform to

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

its ordinances and laws. It is its right so to constrain his actions as to conduce to the general happiness and prosperity. But after having exercised this control over his actions, the temporal power must stop; when it ventures beyond this, it opens the door to that oppression, persecution, and cruelty, of which the history of the world furnishes too many melancholy examples. Opinion, when merely such, when urging to no act inconsistent with the laws and peace of society, should be encountered only by opinion; the interposition of the temporal arm, no matter how mildly interposed, is improper. For it is not the degree, or kind of compulsion, which renders it improper, but the interposing at all.

If, as members of society, we have duties to perform, and which it is proper for the temporal arm to enforce; we have, as rational creatures, other duties of a much higher nature towards our Creator, of which he alone is the judge, and for the fulfilment or neglect of which, he can punish or reward. Religion, therefore, merely as such, is a matter entirely between man and his God. It must be left to each one, as he must stand or fall by his own merits or demerits, to entertain that belief, or offer that worship, he thinks most acceptable; or should his fellow endeavor to dissuade him from what he considers error let it be by appealing to his reason, not by resorting to coercion—a coercion that can only affect the outward actions, and prove the existence of greater temporal strength or power. He that is thus convinced will be of the same opinion still. The body may be bound in chains, it may be imprisoned and enslaved, it may yield to the assassin's dagger, but the immortal mind is beyond his control. Upon this truth (and on no other can they safely rest) are built the rights of conscience, so little understood in most countries, not so well, I am sorry to say, in the State of Maryland as they ought to be, but perfectly so under the constitution of the Union; a constitution that has justly conferred upon our country the character of the land of freedom and toleration.

But it may be said, that no force, or coercion, is resorted to by the State of Maryland, to produce a conformity or belief;

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

that each one is secure in his civil rights, no matter what may be his mode of faith; that no one can be molested on account of his religious opinion; that no one has a right to complain of being excluded from office, if he does not conform to the prevailing religious sentiments of the state. Sir, I contend, that in conformity to the reasons I have advanced, every citizen is entitled to all the privileges of citizenship; that the religious opinions of no one can be justly visited upon him, either directly or indirectly, as the immediate effect or the consequence of that opinion. If in consequence of my religious belief, I am subjected to disqualifications, while in other respects on a perfectly equality with my fellow citizens; while there exists no reasons founded upon the well-being of society, to exclude me from these common benefits, I cannot but consider myself a persecuted man.

The persecution is slight I own, but still it is persecution. It is not indeed the faggot, or the wheel, but it is applied for the same reason; it is because my opinions are not conformable to those of the more numerous or more powerful. An odious exclusion from any of the benefits common to my fellow citizens is a persecution, less in degree, but of a nature equally unjustifiable as that whose instruments are chains and torture. In this country where all can aspire to offices of honor and emolument, to be excluded from them is by no means a negative punishment. I do not pretend to the merit of originality in expressing these sentiments. They are those of every American statesman; there is scarcely a distinguished man of our country who has not in some mode or other given them his approbation. They may be regarded as the received and established political doctrines of our country. They are inculcated in our youthful minds; they are considered as inseparably interwoven in the texture of our government; every American who aspires to the character of liberality in matters of opinion, and to a just knowledge of our institutions, must subscribe to the proposition, that religion is a matter between man and his God; that the temporal arm should be interposed to direct the actions of men, and not their thoughts. I will take the liberty of reading some

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

passages from different authors of this country who have expressed these ideas in language much stronger than mine. (Here Mr. Breckenridge read several passages from Mr. Madison's celebrated memorial on the test laws of Virginia and also from Judge Tucker's notes on Blackstone.) I do not think I should venture too far in saying that a just criterion might be formed of the progress of anyone in those political principles, that may be considered peculiarly American by the willingness or unwillingness with which he yields assent to the reasoning of Mr. Madison on this subject. This report had, in its day, to encounter some enemies, it is true; it appeared at a moment when we were escaping from the political errors of our education; it was then the efforts of a bold spirit boldly declaring the truth to his countrymen. That truth has triumphed over bigotry and prejudice; it has planted its victorious standard on that noble monument, the Federal constitution—it has prevailed in every state, unless indeed its enemy, driven from every member of the confederacy, should have found a last intrenchment in the constitution of Maryland; which God forbid.

I have thus far considered rather what ought to be the right of the citizen, than what it really is, as guaranteed by the charter of his liberties. And here I do not hesitate to assert, that could this question be brought before some tribunal competent to decide, I would undertake to prove that the right which this bill professes to give is already secured by our great national compact. I would boldly contend that the state of Maryland has deprived, and still continues to deprive, American citizens of their just political rights. If we canot find it in the express letter of the instrument can we hesitate for a moment in declaring that it has at least virtually repealed every state law, or constitution, whose tendency is to infringe the rights of conscience? Look at the words of that section which relates to this subject. It may be said that this applies only to officers of the general government; but mark the consequences in practice. The man who cannot hold the most trifling office in the state of Maryland, may be chosen to preside over its destinies, as a

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

member of the confederacy, he may command your armies, and lead you to battle against the enemy who dares to invade your shores; yet he cannot be an ensign or lieutenant of a company. He may sit upon the bench, and in the Federal courts be called to decide upon the fortune, or the life of the citizens of Maryland; yet he cannot be a justice of peace, to decide the most trifling controversy. He may be a juror in the circuit court of the United States, and be the arbiter of the fortunes and liberties of the first among you, and yet he cannot sit in the same box to deal out the measure of justice to the pilfering slave. He may be marshal of the district, and in that capacity entrusted with the most important concerns, at the same time that he is disqualified from performing the duties of a constable! Can it be possible that a discrepancy so monstrous between the general and state governments should not have been perceived, when every part of the system was so admirably attuned to move in unison and harmony? This clashing of general and state constitutions could not but have been foreseen. The history of the American colonies free as they were from intolerance, when compared to the dreadful persecutions which prevailed in Europe, was unfortunately not entirely exempt from that cursed distemper which has done more injury to the cause of religion than its enemies ever could! Persecutions on account of religious opinions we must all know, with regret, are recorded in the histories of this country, which now assumes to itself the proud title of the asylum of the persecuted. In some of these states it is well known that various denominations of the Christian religion were persecuted even unto death. It is true, the mists of error had begun to be dispelled by the glorious light of our revolution; the framers of constitutions at that epoch believed it wise and just that all sects and denominations of the Christian faith should be put upon a perfect equality, in their political rights. This appears to us, at this day, no great effort of liberality; every American who has been educated since that period, is satisfied in his judgment that the measure was wise. But are we certain that the enlightened framers of the constitution at

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

that day had not prejudice to encounter—had no bigotry to contend with? The probability is they led the way to this salutary reform; and by the force of reason, and the weight of their character, triumphed over their opponents. But the reformers of abuse in society have generally been compelled to compromise with error. Their enlightened minds generally outrun the time and country in which they live. Something was left to be done by themselves, or their successors, at a future period; that period arrived when the sages of our country were entrusted with the sublime and awful duty of framing, for this great nation, a general government, that would secure its peace, prosperity and happiness. An eulogium upon the men who composed that body, and the work of their hands, is unnecesary; it is written in the heart of every American; and next to the gifts of divine Providence it constitutes the greatest blessing he enjoys. In this instrument, the finishing hand is put to the work which is already nearly completed; force and opinion are finally separated—the union of Church and State, which had given birth to so many monsters, is dissolved forever. The citizen is declared responsible only for his actions; for his religion he is left to account to his God. Independently of the reasoning that guided them on this occasion, it is to be presumed, they had in view the evils experienced in our country from religious persecution, which previous to the Revolution, has not unfrequently disturbed the mutual peace and good will of different provinces. To put a stop, therefore, to the recurrence of the like evils in future, it was intended to secure personal rights amongst the most precious of which are those of conscience, to every citizen in the Union. Every man who has read the Federal constitution must perceive that it is not merely the articles of confederation between independent states, but that it is a compact entered into by all the citizens of the state with each other, in their individual capacity. The constitution is therefore a protection to all and each. The rights of conscience are unalienable and imperceptible; in the nature of things it is utterly impossible to surrender them. The only office of the

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laws or constitution is to protect and save them from violation. Is it in the power of the state government to encroach upon that which has been thus sacredly guarded? Sir, I do contend that the Constitution of the United States has guaranteed to every American citizen the right of worshipping God in the manner he deems most acceptable to him, and that this right is violated whenever the citizen is made to feel the consequences of his opinions, either by direct bodily inflictions or by disqualifications.

But, sir, even admitting that the constitutional right is not clear, at least it must be acknowledged that the rejection of the test by the Constitution of the United States furnishes the strongest reasons why it should be expunged from that of Maryland. To obviate the contradiction between the general and state governments, every rational mind must admit that the bill ought to pass. Is there no respect due to the opinions of the enlightened statesmen who framed the Federal compact? I know, sir, to err is human, but if I must err, let it be with men like these.

And let me ask, what is this test? What does it purpose to accomplish? It purposes to do what can be done by omniscience alone. It purposes to discover the inward thoughts of man; to lay open to view the workings of his mind. It purposes to discover who is the Christian, and who is not. I will appeal to any man of common experience to answer me candidly, whether he really expects in this mode to discover the true sentiments and opinions of anyone? The atheist, if there be such, and the Deist will laugh at this mode of detecting their errors—they will not hesitate to subscribe to what they consider an idle form. The Jew, and the Infidel, unless governed by an abstract love of truth, can be placed under no constraint by a test, which if they abuse, no earthly power can call them to account. Is it necessary to the Christian? Is he the better Christian for avowing his belief, before he can be allowed to possess some temporal benefit? No, sir, to him such a test is useless; to others it is worse than useless—it makes hypocrites; and I believe it requires no great stretch of casuistry to say, that the sin of

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

this hypocrisy must in part be incurred by those who are the authors of the temptation. If anyone seriously flatters himself that the test can have a rational object, it must be as a mode of propagating the faith among these unbelievers, whose love of truth will not permit them to be guilty of deception. To these, it holds out the reward of office and dignities for their conversion; or denounces the punishment of partial degradation, in the common benefits of citizenship, while they persist in their unbelief. Can it be possible, sir, that in this enlightened age and country, we have not renounced the impious practice of propagating religion by the sword? Or can it be regarded as anything else, when temporal rewards and punishments are resorted to as the means of establishing religious opinions? No one can seriously contend that such was the object of the framers of our Constitution. The very section on which our test is founded, proves to us that there was a struggle in the minds of those enlightened men, between their own opinions and the necessity of yielding to the prejudice of the day. They could not but have seen, that having once severed the union between Church and State, to require a religious test for political purposes, was worse than absurdity. Even English writers admit that, in England, the religious test is founded upon this union, and on nothing else. It was well known, that in England the struggle between Catholic and Protestant was a struggle for the government of the country; the test was therefore, rather a mode of enlisting partisans in politics, than used for the purpose of ascertaining religious sentiments. We have adopted it, as we have many other things from England, without sufficiently examining its application under a different order. I hope it will be renounced in the same manner that we have renounced many other errors, derived from the same source. Let us substitute the only real test of the qualifications for public office; that of public and private worth, character or reputation.

Let me not be understood, sir, as contending that there may not exist sound reason and policy for withholding from certain classes of citizens or people the rights or benefits of

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

citizenship, in their utmost latitude. The existence of slavery amongst us has given rise to certain ideas and policies which I am not disposed to controvert. As to the naturalized citizen, there are reasons of state for not laying open to him the whole career of public offices, so fully sanctioned by our laws and received opinions, that it would be presumptuous in me to call them in question. But I have yet seen no reason of state, nor has any been suggested, why the naturalized Jew should not be placed upon the same footing with any other naturalized citizen; or why a native Jew should be cast in a lower degree than even the naturalized foreigner of any country on the globe. Is it because there is something inherent in the race, which necessarily renders the Jew a less valuable citizen? Then, sir, we ought to form a graduated scale for the different nations of Europe, and regulate the terms of their admission, and the extent of their privileges, according to the merits or demerits of their national character. We should in like manner class our own citizens, and pay no regard to individual merit. To some we should give ten votes, to some five, to some one, and to others none at all! No, sir, such a discrimination is impracticable. The citizen of Jewish origin, whether naturalized or native, ought to be entitled to all the rights of citizenship that may be claimed, under like circumstances, by an Englishman, a Frenchman or a Spaniard.

But, sir, is there really this inferiority in the Jewish race or character? The sacred book on which we ground our faith, teaches that they are not an inferior people. Else, wherefore should they be the chosen people of God, the favored depositories of the sacred law and holy prophecies? Do we forget that to them we are not only indebted for these, but even for the blessings of Christianity? Its author was a Jew, His apostles were Jews. On the contrary, there is every reason to believe that, as a race, they are the first among men. If a portion of this race were unwilling or unable to believe, we are told it was permitted by Providence for purposes greater than we can comprehend. That their descendants, eighteen hundred years afterwards should still

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

persevere in the doctrines of their forefathers, we are taught to look upon as a miracle; but we are also taught, that the same people will believe at last, and be restored to divine favor. Their nature then has not changed, although they labor under the displeasure of our common Father. This displeasure has scattered them through the world and exposed them to the persecutions of the wicked. Persecutions, it is true which according to the natural tendency of things, has had, in many countries, a most unhappy influence on their character. Is it not natural, that when surrounded by bitter enemies—their remorseless oppressors and persecutors, that they should feel indignation and resentment? Can we expect them to show elevation of character, when a mark of opprobium is set upon them? Can we expect from them universal benevolence, when they are universally scorned? Can we expect to see them engaged in sober and industrious callings, where they are forbidden to be owners of the soil, or to exercise the common mechanic arts? Can we expect them to love their Gentile neighbors when their name is used as a by-word—when those neighbors teach their children to scoff at their miseries? If the Jew be such as his enemies represent him, those enemies have made him so. That this should be, I own, is the will of Heaven; but when God afflicts His children, the instruments of His wrath are often His enemies also.

Is there anything in the Jewish religious doctrines which disqualfy the Jew from discharging the duties and fulfilling all the obligations of a citizen of Maryland? Sir, I boldly assert that there is not. I should be the last to deny that a belief in a future state of rewards and punishments is the sheet anchor of all civil government. And has the Jew no religion to enforce the performance of his moral duties, by sanctions beyond the grave? Yes, sir, he has. He worships the same God that we do, the God of Abraham, Isaac and Jacob; the law which as especially given to him, we profess to obey; and exception that which was imprinted on the conscience by the Creator, for thousands of years, the world had no other. We are taught, as Christians, that the whole

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

of the sacred book must stand or fall together; that the religion of the Jew is consequently a part of ours. We are told that the Author of our religion came not to govern the earth, but to unbar for us the gates of Heaven. Can the Jew, therefore, be said to have no religion which renders him accountable hereafter? He has. In his youth he is taught the same precepts for the government of life that we are. In his infancy he is taught to lisp the same prayer of universal morality and benevolence, that the Christian mother teaches to her child. He believes in the coming of a Messiah, with great power and glory, to judge the earth—this is our belief also. We shall, on that day, all be Christians. That the Jews will ultimately be converted is a part of our belief. Why, then, this intolerant, persecuting spirit towards the Jews? Is there any danger that there will be a want of persecutors? Is there any danger that in ceasing to be persecuted, and therefore ceasing to be a peculiar people, they will no longer be the living miracle they now exhibit? Then the will of Heaven will have been fulfilled.

Were it necessary for the support of this bill, I could undertake to vindicate the Jewish character from the imputations so commonly alleged against it. But the question is not whether they are good or bad; for if this be the criterion in the case of the Jews, there is no reason why we should not extend the same principle to other classes of society. I will ask those Christians who hear me, candidly and dispassionately, to examine their own minds, and to say how much of their opinions, with respect to the Jews, is the offspring of prejudice and education? Most of us have been taught, from earliest infancy, to entertain an unfavorable opinion of them. The books we read—the immortal Shakespeare himself has been instrumental in fixing this un-Christian hatred to a portion of our fellow-men. A modern dramatist (I rejoice to say it for the honor of Christianity) ventured to be their advocate, and what is more, with success. We have seen, sir, that in the same country, in proportion as true Christianity, in proportion as science and civilization have advanced, the condition of the Jew has been improved,

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while his character has uniformly risen to the level of that condition. Will anyone seriously compare the Jews of England, at the present day, with the same people a few centuries back, when they were degraded and oppressed by the kings of that country? Will they bear a comparison with the Jews of Portugal or Turkey? To come nearer home I will ask whether the American Jew is distinguished by those characteristics so invidiously assigned to him by his enemies? Sir, I have had the honor of being acquainted with a number of American Jews, and I have no hesitation in saying, that I have found the same proportion of estimable individuals as in any other class. None, sir, are more zealously attached to the interests and happiness of our common country; the more so, as it is the only one on earth they are permitted to call theirs. None have more gallantly and devotedly espoused its cause, both in the late and the Revolutionary war; none feel a livelier sense of gratitude and affection for the mild and liberal institutions of this country, which not only allows them publicly and freely the enjoyment and exercise of their religion, but also, with the exception of Maryland, has done away with all odious political and civil discriminations. In the city which I have the honour to represent, there are Jewish families who, in point of respectability and worth, are inferior to none; who are known only as differing from the Christian in their religious tenets; who are educated in the same schools with our youth, and like them, glory in being Americans and freemen. Have we had any cause thus far to repent of our liberality—rather of our justice? Sir, I abhor intolerance; and yet, I can scarcely regard tolerance as a virtue. What! Has weak and erring man a right to give permission to his fellow creatures to offer his adorations to the Supreme Being? Did I not feel myself somehow restrained from pursuing this subject, I could show that the idea of such permission, or toleration, is impiety! But I content myself with calling your attention to what has been the effects, in this country, of leaving religion to be taught from the pulpit, or instilled by early education. Is there less genuine religion in this

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country than in any other? For if the interference of government be necessary to support it, such ought to be the natural consequence. Sir, I believe there is more. And I believe, that if the success of true religion were the only end in view, other nations would follow our example. I believe that in no country are there more atheists and Deists than in those where but one religion is permitted. All men are naturally inclined to be religious and provided they can find one which meets the approbation of their judgments, they will embrace it. The man who cannot subscribe to all the doctrines of Catholicism, may yet be a Protestant; the Protestant may be a churchman, the Presbyterian a Quaker or a Methodist. The inquisition allows him but one choice, and he must be either what is thus allowed, or nothing. It is no part of the duties of this legislature to guard and preserve the faith free from schism and innovation; otherwise, we have been extremely remiss in this important branch of our duties. I do not recollect a single act of assembly, passed for this purpose, since the establishment of the government, and I hope none ever will. The propagation of error has never been prevented by force, but force has sometimes given permanence to what would otherwise have been ephemeral.

Were we about to attempt the conversion of the Jews to Christianity, the true mode would be to treat them with kindness, and to allow them a full participation in everything our country affords. When men are proscribed for their opinions, those opinions become dear to them; like the traveler in the storm they draw the mantle closer about them; but in the return of the warm and genial sun, they cast it carelessly away. Some reasons have been urged against the passage of this bill, whose force I must own myself unable to comprehend. We are told that it will hold out inducement to the Jews to migrate to this country from abroad. Without stopping to inquire whether this would be an evil, I shall simply reply that this inducement already exists. If it can seriously be supposed that the prospect of obtaining offices would invite the Jews to this country, has not this invitation been already given by the Constitution of the Union, as well

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

as of the neighboring states? It has been objected on the other hand, that the number of Jews in this country is but small, that to alter the Constitution of these would be carrying liberality too far. Sir, I think very differently on this subject. If but one American citizen be deprived of his just rights, and it be in our power to redress them, it is our duty to do so, either by our own act, or by devising other suitable means. It has been repeated that there is no intolerance in withholding from the Jews the common privileges of citizenship. It is asked, are they not protected in the enjoyment of their religion? Are they not permitted to hold property, and to pursue the occupation most agreeable to them, excepting only the profession of the law? Are they not permitted to vote at elections and thus allowed a voice in the formation of the laws? I own, sir, that this is true, but why allow them even these privileges? Suppose them allowed but one less than they at present enjoy; for instance the right to vote, and that application were now made in their favor; would not the same arguments be urged against granting that request, that we have heard now, that an attempt is made to procure for them the enjoyment of every privilege? To go still further, suppose them on the same footing with the Jews of England, and an attempt were made to extend to them the rights of citizenship, would not the same arguments in opposition still be urged? Pursuing this train of thought where would it end? Sir, it would end in consigning the Jews to the dungeons of the Inquisition. The self same arguments that have been arrayed this day, against the passage of the bill on your table, have been heard from the lips of those who are engaged in preparing the racks, the chains, the fires, for the persecuted Jew. They are unworthy of an American, and ought to be abhorred by him, if for no other reason than that they are the constant theme of those who perpetrate the most horrid crimes in the name of Religion—of those "Whose Banner is stolen from the altar of God, then whose forces are congregated from the abysses of HELL!"

There is one thing that ought to teach us charity to all who

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

worship God in a manner different from us; it is, that in countries under the government of the Inquisition those strangers who profess the Protestant religion are regarded in the same light as the Jews, they are even known by the same name and but for the fear of the governments to which they belong would be treated with the same cruelty and opprobrium. As far as epithets can show the extent of this bigotry and prejudice, the unfortunate heretics are in a situation little better than the unfortunate Jews. This is not the spirit of Christianity. If man errs in his belief is there no judge? There is, and that Judge has emphatically declared to men, "Judge not, lest ye be judged." I wish to be distinctly understood as having no intention to express an unfavorable idea of any particular denomination. I speak only of the abuses committed in the name of Christianity, and those abuses have rarely failed to be practiced, whenever there is an exclusive religion maintained by coercion of any kind. If we look abroad, we will find that the persecuting spirit is not the inseparable attendant of Catholicism, and the history of our own country proves that Protestants may sometimes be intolerant.

It has been said, and I own I have heard it with some surprise, that the subject proposed to be remedied by the bill is of a nature purely abstract; that no serious cause of complaint exists. It is true, sir, that there has been no deputation from those people to solicit personally, or to make known their wishes with respect to this bill. Far from being construed unfavorably for them, there is a delicacy in thus declining to weary you with importunities, which deserves to be admired. But can anyone for a moment suppose that a native American citizen, whatever his religion may be, can be insensible to the enjoyment of privileges, so highly prized by all his countrymen? Is it possible that he can be insensible to the indignity of being placed in an inferior rank as to rights? No, sir, although the Jews are silent on this occasion, they are far from being insensible. They look to the decision of this House with the deepest interest, as one that will restore them to their political rank under the

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

constitution, that they are so fully entitled to claim, by every reason of sound policy, as well as by the constitution of the Union. It is but a few days since I read an account, in one of the newspapers of Baltimore, of a public examination at the principal seminary of learning in that place. To the son of a Jew, little more than 12 years of age, was awarded the first prize in every branch of education; and to crown all, he was declared to have surpassed his companions in good conduct and morality, as he had in superior endowments of mind! I own I feel a mortification when I reflect that the talents, learning and meritorious deportment of this youth can lead to none of the offices and honors of this State. That he cannot apply himself to the profession of the law, or aspire in the volunteer company in which he may have signalized his valor. Is it possible for this youth, or his parents, to feel no mortification at the existence of a distinction so invidious. Those who have been in the habit of praising the liberality of our institutions, will with difficulty believe this fact. The feeling I have for the honour of my country, for the character of this state, is a much more powerful motive with me in voting for the passage of this bill, than the mere desire of doing justice to the Jews. I would not have it said that we resorted, even in the slightest degree, to power and coercion in matters of opinion, whether religious or political. No circumstance has tended so much to raise our character among enlightened men abroad, as our supposed exemption from this spirit of illiberality. By the adjoining states this praise is justly merited; and so inseparably did I suppose the principle connected with our political institutions, that when Maryland was first mentioned to me as an exception, it excited my astonishment, for I believed the principle universal in our country. I hope for the honour of the United States and of the State of Maryland the bill on your table will pass.

I defy anyone to produce the dictum, or opinion, of any American statesman, whose opinion is worth citing, in favor of a religious test for political purposes; or the example of any state which has withheld from American citizens of the

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

Jewish religion all eligibility to office. In one of the states (Massachusetts) it is true there is a test; but even this, is only applicable to a few of the higher offices; and I believe there is no instance of a state having rejected a formal attempt to do it away. In every constitution formed since that of the United States, the test has been rejected; and by some it is even provided that none shall ever be required. Jews have been employed both under the state and general governments, in offices of the highest trust and honor. In North Carolina, a memorable instance is on record of an attempt to expel Mr. Henry, a Jew, from the legislature of that state of which he was a member. The speech delivered by him on that occasion I hold in my hand, published in a collection called the "American Orator"; a book given to your children at school, and containing those principles of republican truth you wish to see earliest implanted in their minds. I will take the liberty of reading some passages from it. (Here Mr. Breckenridge read a part of the speech.) Mr. Henry prevailed, and it is a part of our education as Americans to love and cherish the sentiments uttered by him on that occasion.

In the same book, we have at least ten speeches all upon this subject from the most celebrated orators of Great Britain. The names of Chatham, Fox, Sheridan, Grattan and Erskine, are given to us as the champions of universal toleration; as the advocates of the Catholic and the Dissenter, they speak with irresistible energy of truth; they teach us to detest the unnatural union of Church and State, and to abominate the interference of earthly power in matters of religion. Why put this book into the hands of your children, if it be not to instil into their minds the sentiments that American citizens ought to entertain? Where is the distinction between the struggle of the Catholic and the Dissenter for the liberty of conscience in England, in which we all so sincerely sympathize, and the effort now made to procure the same thing in this state for the persecuted Jews? Is not the proscription the same in both instances? Do they not both claim the same right to offer their adorations to the Deity,

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

free from the animadversions of government? The case is the same—it cannot be distinguished.

Some remarks have fallen from gentlemen that, in my mind, go further to prove the weakness of the opposition to the bill, than even the arguments that may be urged in its support. From what other cause could it be seriously asserted that if this bill passes we may have infidels and Turks in office—we may have the processions of the Juggernaut crushing to death its wretched victims in the public highways! I will ask whether anything of the kind has yet taken place in any part of this country? Would not these acts be in violation of the laws, and the public peace and tranquillity? I have never contended that where opinions manifest themselves in acts detrimental to the peace of society that those acts ought not to be punished. But I say that as long as I keep my thoughts to myself, or their manifestation neither violates the laws nor does any injury to my neighbor, no one has a right to molest me for them. This is a right I claim as an American citizen; and I proclaim it persecution when anyone forcibly interrupts the free enjoyment of my opinions, whether they be in matters of religion, politics or science; provided I so use them as neither to insult or injure my neighbors nor violate the laws of the land. Where the matter is a mere difference of opinion, I hold my right unquestionable to differ from any other man, or from all mankind, be the subject as it may. As to the Turk, or the infidel, I scarcely know how to reply, we never had more than two or three Turks in this country: I cannot be brought to believe that there is so much danger of the people electing a Turk to the legislature as to require to be specially guarded against by the constitution. If by the term infidel be meant such individuals amongst us as deny the sacred Scriptures altogether, I assert that no test can be effectual with respect to them, but a knowledge of their opinions, and habits of life, amongst their neighbors and acquaintance. The constitutional test places it in their power to acquit or condemn themselves at pleasure; there can therefore be no greater absurdity than to subject them to such a trial. Nay,

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

its effects would be worse; for suppose the case of one whose misfortune should be to disbelieve, yet under the influence of honour and truth, deprived from early education, a practical Christian unknown to himself, such a man would decline the test; and although I might not be disposed to dispute if anyone should deny this to be an evil, yet who will not agree with me in saying that it is an abomination, that the infidel, who has no regard to truth and honour, should be furnished with a mask of religion to wear in the prospect of gain? If a man swear falsely as a witness his falsehood can be proved by witnesses; but in this instance, what witness but Omniscience can convict him? To the charge of having abused the test, he can allege that his belief has been taken since, or that he is now convinced. The test is therefore useless for temporal purposes. If by the term infidel be meant the unconverted aborigines of this country, or the East Indians and Chinese, I must reply again that the possibility of their being elected to any office in this country is too remote to require any constitutional provision. But, sir, this bill is not intended for the relief of infidels or Turks; it is intended specifically in behalf of the Jews; and I must confess that I labor under lamentable ignorance if I am wrong in thinking that the Jewish religion is not to be placed on a footing with that of the Turk, or idolator! It has been impressed upon my mind that the Jewish religion is divine, that we should believe in the books of the Old Testament as well as they, although we believe more than they do. We concur in the belief of what constitutes the base and foundation of Christianity; take away the foundation and where is the superstructure?

I am sensible that I have trespassed much on the patience of this house, on a subject in which the character of this state may appear more deeply involved than its interests; but I feel on that occasion as I would for myself; the character of justice and liberality is far dearer to me than the preservation of property; and I see no reason why a state ought not to be actuated by the same motive.

There is one point of view in which the question has been

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

put by the opponents of the bill, that I feel myself constrained to notice—though, I confess with reluctance. It has been stated that the passage of this bill is incompatible with the respect we owe to the Christian religion; that this is a Christian land—that the Christian religion ought to be legally avowed and acknowledged; that its support will be weakened by abolishing the test. Sir, I can see no disrespect offered to any system of religion, when the government simply declares that every man may enjoy his own, provided he discharges his social duties; and that its only foundation must be the zeal, affection and faith of those who profess it. I firmly believe that it is an insult to the Christian religion to suppose that it stands in need of the temporal arm for its support. It has flourished in despite of temporal power: by the interference of temporal power alone, in its behalf, has its progress ever been retarded or its principles perverted.

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CHAPTER VIII

THE PASSAGE OF THE JEW BILL

On January 29th, 1820, Mr. Kennedy, of Washington county, asked leave to bring in a bill for the relief of the Jews in Maryland. The following is a sketch of the proceedings on the occasion, Mr. Kennedy said: I now rise to ask the leave of which I gave notice sometime ago, to bring in a bill for the relief of the *persecuted children of Israel;* and as I never wish to consume the time of this House unnecessarily and as the session is drawing near a close, I have to ask as a favour of the members of this House that they will decide the question upon the leave which I shall ask and if they are determined finally to vote against the bill, to vote *now* against the leave—I have considered it my duty for many reasons to bring the subject before the Legislature, and to *avow* my determination whether in or out of power to advocate the cause of the Children of Israel—when the subject was brought before the House at the last session, it was done without their knowledge; nor have I consulted any of them on the occasion this session—no sir—for I must do them the justice to say that I sincerely believe had I consulted them they would have said—"Do not agitate the subject—let us suffer a little longer, let us shew to the world that we can act with Christian forbearance—*that being reviled we bless—being persecuted we suffer it.*"

I well know there was a clamour raised in some counties at the last fall election about the "Jew Bill"; I have been told that a very worthy and honourable gentleman (Mr. James A. D. Dalrymple) who was a member of this House last session, lost a great many votes, nay even lost his election in Calvert county, because he voted for the "Jew Bill"—I congratulate that gentleman on his defeat, it is an honour to him, and had I my choice I should prefer being left out of this House for having voted for it, than to be elected for

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

having voted against it; A firm adherence to principle even if it drives a man from office will ultimately redound to his honour;—for

"More true joy Marcellus exil'd feels,
Than Caesar with a Senate at his heels"

I have been told of another member of this House who lost a number of votes because he had displeased some person in his vote on a Turnpike Law, and this person accused him with being a Jew—or for having voted for the "Jew Bill":—And in my own case it is but fair and candid to state that there was some clamour raised in Washington county on the same subject.—It is true there was no political opposition to the Republican ticket but there was a political interference, and political and personal hostility were covered under the name of the "Jew Bill."

We have for many years had violent political struggles in Maryland; we have seen the social harmony of the land disturbed by party discussions, and I regret to think that the long agony is not yet over, that another struggle is at hand to divide and distract us, for, if reports be true, the parties are already marshalling their hosts and preparing for action —I regret it because I am confident that Maryland will never rise to that rank to which she is entitled among her sister States; so long as she is in such a situation we shall not see any great public work commenced, no liberal system of education adopted—no efficient militia law—no provisions made to restore the exhausted state of the treasury, and I regret it also, because I fear it may operate to prolong the bondage of the peculiar people. And though Maryland has been my home for twenty-four years and probably will continue to be so, while I am not a native of this state her interests I wish to cherish,—and though this is not the home of my fathers, this is the home of those who are more dear to me—the home of my children—of the wife of my bosom.

But, Sir, it is my sincere opinion, that the passage of a bill such as I shall propose will not injure the interests of either party in the State. And why? When the subject is brought

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

before the people we can tell them and tell them truly, that we are but following the example of the illustrious Washington who was among those who established the glorious precept that—"No Religious test shall ever be required as a qualification to any office of public trust under the United States" —we can tell them that there is no religious test in other states, and we can refer them to the votes and proceedings of the Senate of Maryland at the last Session where some of the first characters in the State for talent, learning and integrity voted for leave to bring in a bill to abolish all religious tests in Maryland—I have no fears of the people on this score—and low, low indeed must that party, or that man be sunk, who would urge as an argument against a politician that he is not worthy of the public confidence, because he is willing to do unto others what he would wish they should do unto him.

Because of the persecution of the Jews which during the last year has taken place in Europe I much regret that the Bill which was before us last Session, did not pass. Maryland can employ a large capital to advantage and God knows we are now in need of all the capital we can procure—so that from an interested point of view it is highly expedient for us to show the Jews that in Maryland they shall at least receive as much protection as in other States.—

I have, Mr. Speaker, met lately with a publication which appeared in London last October addressed to the Jews by Mr. W. D. Robinson, a citizen of the United States, on the subject of emigration and settlement to this country. He tells them:

"The United States of North America where the field for enterprise is immense, is the only country on earth that affords to them the means of regeneration, and at the same time holds out to them security and comfort. The Constitution of the U. S. not only grants religious toleration on an immutable basis, but this is the only government among civilized nations that has wisely rejected any exclusive religious establishment, consequently every sect as well as every individual in that country whatever his denomination

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may be, is perfectly unmolested in the score of religion."

But, Mr. Speaker, will they come to Maryland? Will they come to the only state in the Union where they are proscribed? Will they come to that State where they are compelled to bear every burden in common with their fellow citizens, and are deprived of the enjoyment of the meanest office? Will a Jew come to Maryland where he must muster in the Militia—where he must march out and risk his life in battle in defense of the state, and let him perform what gallant actions he may, let him be as bold and as brave and as victorious as a Jackson, he must remain a private forever. Let his legal knowledge, talents and character and integrity be what they may he cannot plead at the bar—plead at the bar, did I say—can he hold or exercise any office whatever? Will he come to Maryland when Pennsylvania and New York and Virginia and every other State is ready to receive him with open arms and to place him on a level with their Christian brethren? Will he come to the only State in the Union where professions take rank of merit, where a mere declaration of belief by our laws is preferred, and held in higher estimation than virtue and integrity?

And as a Christian I consider the restriction contained in our Constitution as a stain on the Christian character. We have all professed our belief in that religion and the precept of our great Master. He tells us that the first and great command is to love our God with all our heart and soul, strength and mind, and that the second is like unto it—Thou shalt love thy neighbor as thyself"—and in the parable of the good Samaritan He teaches us who is our neighbour, and to shew how little of religion avails he tells us that the priest and the Levite passed by wounded suffering strangers without deigning even to stop—while the Samaritan stranger bound up his wounds and carried him to an inn. And when describing that sublime and awful scene which is to take place at the last day—He gives us the character of those who shall receive a welcome into the Kingdom of Heaven. "Come ye blessed of My Father inherit the Kingdom prepared for you from the foundation of the world for I was an hungered

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

and ye gave me meat, I was thirsty and ye gave me drink, I was a stranger and ye took me in, naked and ye clothed me, I was sick and ye visited me, I was in prison and ye came unto me."

I am well aware, Mr. Speaker, that many members of this House even among my own political friends may consider me obstinate in my determination to bring this question again before the Legislature. Be it so; yet there is no member of this House who is more truly attached to the political party who now have the ascendency in the State, for since I knew politics I have always been strictly republican, and I sincerely and conscientiously believe that on the precept of that party the happiness of the people in a great measure depends.

But on a question like the present I shall always take my own course, and were it left to me to say shall this Bill pass, and lose the election next year, or reject it, and have the ascendency next year, I would say pass it; for doing justice never can injure any party. Truth is powerful and shall finally prevail.

I shall now, Mr. Speaker, read the Bill which I intend to introduce should the leave be granted—and have once more to ask the Members of the House to decide the question upon the leave which I shall ask.

Mr. Washington (of Montgomery), "If the gentlemen from Washington will amend this leave so as to introduce a provision for abolishing all religious tests the bill shall have my support."

Mr. Kennedy, "I certainly would concur with the gentleman from . . . Montgomery in abolishing all religious tests —but there is not any chance that such a Bill would pass the Senate, and I think they would pass a bill like the present."

Mr. Forrest, "I am opposed to the principle of the Bill for which leave has been asked, and as the member from Washington has expressed a wish that the question should be decided upon the leave I must vote against it.

"My friend from Washington, whose conduct I often have

cause to approve, has made an appeal well calculated to rouse our pride as Marylanders, and to enlist our feelings on his side and I regret that on this occasion I must differ from him —nor can I agree with my colleague (Mr. Washington) that it would be right and proper to abolish the religious test entirely. As to electioneering on the subject we have had none of that in Montgomery.

"From the extract which the member from Washington read from Mr. Robinson's pamphlet; which although I never have perused, I am the more convinced that the passage of such a Bill would be improper as it would tend to encourage the Jews to come and dwell among us."

Mr. LeCompte (of Dorchester), "I am also opposed to the Bill for which leave has been asked, upon principle—a principle which I avow—as I am proud of the name of Christian (although some people say I am a coarse Christian), but I do not think it proper or expedient to grant all the rights and privileges which we enjoy to a sect of people who do not associate with us and who do not eat at our table— I have never heard it used as an electioneering argument against any candidate—but I would consider it my duty to electioneer against any man who would vote for such a Bill."

Mr. Kennedy replied that he had always considered the gentleman from Dorchester (Mr. LeCompte) in the general course of his conduct as a very liberal character, and was sorry that on this occasion he should have expressed himself in a contrary manner; that if the gentleman was to come to Washington county and electioneer against him, and even drive him from this house it would probably be doing him a service—that if he was to consult his own interests he ought not to be here at all, as he had a farm and distillery at home to attend to—and that he never had solicited a seat here; and that one of his chief objects in consenting to serve this session was that the subject of these suffering people might be again brought before the Legislature—and that he should rejoice rather than lament if his conduct on this occasion should drive him from office forever; that he believed the Jews to be as sociable and friendly disposed as other people; that

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

he was acquainted with some Jewish ladies whom he had found as amicable in every respect as Christian girls; that on his way to the Legislature at New Year he had dined at the house of a worthy and respectable gentleman of that persuasion, and soon after entering the dining room he noticed a book on one of the side tables and on examination found it to be the Holy Bible—the Scriptures of the Old and New Testament, and it was many years since he had seen such a book in the dining room of a Christian—and that as to the evils to be dreaded from admitting Jews to a participation in our civil rights and privileges he considered them altogether ideal, that no evils had resulted from their free admission into New York, Pennsylvania, Virginia and other states.

Mr. William R. Stuart (of Queen Anne's), "Mr. Speaker, I am in favour of the Bill and am surprised that the gentleman from Dorchester should have said that he would electioneer against any man who was in favour of it. Were I to go to Dorchester to electioneer against that gentleman, I would not oppose him because he happened to differ with me in religious opinions."

The question was taken and when the Yeas and Nays were called, Mr. Jenifer (of Charles) observed that he had voted for the leave without considering himself pledged to vote for the Bill; that he had voted against a similar Bill last session, but his sentiments had undergone some change since that time.

Mr. Ross (of Frederick) said he had not decided on the question as he intended leaving the House this day—but as it was now decided he asked permission of the House to vote, observing that in the last electioneering compaign in Frederick he had been represented by some as a Scotchman, and by others as a Pennsylvanian—and he was now willing to give his opponents the liberty of calling him a Jew. The House granted permission and he voted for the leave.

The following is an extract from the Journals:

House of Delegates, Jan. 29th, 1820.

On motion by Mr. Kennedy, the question was put that

leave be given to bring in a bill entitled "An Act for the relief of persons professing the Jewish Religion in this State."

The yeas and nays being required by Mr. Kennedy appear as follows:

AFFIRMATIVE

Messrs. Millard, Plater, Jenifer, A. H. Price, King, Wroth, Macky, Moffett, Patten, W. R. Stuart, Harrison, Ross, Hawkins, Montgomery, Breckenridge, Kellar, Kennedy, Gaither, Tomlinson, Blair—20.

NEGATIVE

Messrs. Speaker Key, Blackstone, J. F. Browne, E. Browne, Spencer, Brooke, Mariott, T. W. Hall, Wyvill, Blake, Reynolds, Stone, Street, Dorsey, Garner, Stevens, N. Martin, Orrick, Showers, Dashield, Dennis, LeCompte, Lucas, Griffith, Jackson, Cross, Sommervile, R. T. Hall, Duvall, Boyle, Hollingsworth, Quinton, Warfield, Ijams, Maulsby, Norris, H. Hale, Forwood, Hardcastle, Willis, Whitely, Schnebly, Gabby, Washington, Forest, Wm. Price, Greenwell—47.

Because of a division of the Republican vote in Washington county, Kennedy was defeated for re-election to the House of Delegates. Several measures in reference to religious freedom were jockeyed about both House and Senate. The absence of Kennedy seemed to have its effect upon the supporters of freedom. The following year Kennedy was elected by a substantial majority. At this session appeared a new figure who was destined to be a leader amongst men. He was John Van Lear McMahon and was but 22 years old when he took his seat. He became Kennedy's strong supporter and it was upon his youthful shoulders, more than any other man, with the exception of Kennedy, that the responsibility for the eventual passage of the bill through the troubled waters at Annapolis fell.

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

McMahon was from his childhood supernormal He was born in Cumberland, on October 18th, 1800. His father, William McMahon, was a cultured Irish Presbyterian, prominent in his community both socially and politically. The boy was christened simply John. The name Van Lear he adopted in his early twenties as a compliment to his kinsman, John Van Lear, of Washington county.

During his early school days, when he was a student at the Allegany County Academy, he astonished his instructors with his feats of memory and his brilliant scholarship. His memory was comparable only to Macaulay's. On one occasion, when 14 years old, he repeated a sermon verbatim after hearing it once.

In 1817 he went to Princeton. He was only 14 years old, but after a preliminary examination, he entered the sophomore year. At college the fine promise which he had shown in his preliminary education did not diminish. He never played with his fellow students; amusements were not for him; while others danced, McMahon read. He graduated at the head of his class, and went back to Cumberland to study law in the office of Roger Perry, a leading member of the Maryland bar at that time.

Imbued with the ambition which is the privilege of the young; lured on by unbroken success and long adoration to expectations of untroubled conquest, young McMahon came to Baltimore to practice law, after being admitted to the bar. Here he found an unpleasant disillusionment. In Cumberland he was a celebrity. In Baltimore he was one of the crowd. He stayed for two years in his ill-furnished office on St. Paul Street. His clients were few. His fiery language and his haughty manner brought him into disfavor with the Judges. In disgust, he went back to Cumberland.

The law, he had found, was a hard mistress. He sought a new one, and studied medicine. There was in him, however, too much spirit, too much fire, to brook the endless days in laboratories, so after a few months, he stopped. His only alternative was the ministry, and he tried that. But soon

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

his first love lured him back, and he took up the practice of law in Cumberland. His success was instantaneous.

In a comparatively few months, McMahon was one of the leading members of the bar. His oratory, his logic, his sincerity, formed an invincible combination. In 1822 he went to the legislature.

For a man who possessed the qualities of McMahon, it did not take long to become one of the shining lights of a legislature which scintillated with genius—both forensic and logical.

It was in 1823 that McMahon, already recognized, despite his youth, as one of the most powerful orators who ever raised his voice in the ancient State House, allied himself with Kennedy to secure the passage of the "Jew Bill."

His most memorable speech on the question was his first one. Kennedy spoke first, and then the slender McMahon, with large black eyes and dark hair, arose to deliver his masterpiece. His introduction well illustrates the innate modesty of the man, while at the same time, indicates his genius. It starts in this manner:

"Gentlemen, if my esteemed friend, the gentleman who last addressed you, has had cause to tremble for his temerity in approaching a question at whose feet the stores of hoary-headed experience and the dictates of learning and wisdom have so often been laid in this house and elsewhere, how much more should I, upon whom these incumbrances hang doubly heavy, approach and present my little but heartfelt offering."

At the end of his second term, McMahon refused re-election to the legislature and moved to Baltimore. His fight was ended. He had won. The rest of his life was spent in tranquility, honored by his many friends, feared and respected by his few foes. He died when he was 71 years old, and was buried in Cumberland.

On Tuesday, December 3rd, (*House Journal* Page 4), on motion of Mr. T. Kennedy, leave was given to bring in a

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

bill, entitled "An Act to extend to the citizens of Maryland, the same civil rights and privileges that are enjoyed under the Constitution of the United States."

The speaker appointed Kennedy, John L. Millard of St. Mary's county and H. E. Wright of Queen Anne's county a special committee to report the bill.

On Wednesday, December 18th, Kennedy delivered the report.

In the debate that followed, Kennedy and the boy orator, McMahon, delivered inspiring and invincible addresses.

The members of the Senate, headed by Reverdy Johnson, marched into the House to listen to the debate, which was commenced by Mr. Lee of Montgomery county, who moved to strike out the first section of the bill. Kennedy spoke in opposition to the motion. He was supported by Mr. Purviance of Baltimore in a brief talk. The debate continued for several days and attracted people from all sections of the State. Those who took a prominent part in the debate were Wright of Queen Anne's, Lockerman of Talbot, Allen of Harford, and Edelen of Charles county.

Mr. Kennedy in his address said:

Mr. Speaker:

Now's the day, and now's the hour, and to me it is a most interesting hour, the most interesting hour of my life, for although I have often said that I was always prepared, always ready to meet the discussion of this important question, yet, now that the time has arrived, when we are called upon to decide it, I approach it with fear and trembling, and conscious of my inability to do it that justice which it merits, I am almost ready to shrink from the task. You know, sir, that I am not a public speaker, no orator, no logical reasoner, that I cannot even express my sentiments, except in a rough, rude, unpolished manner, and I have often to be indebted to your kindness for indulging me, even when not altogether in order, and if in the course of this debate any expressions should fall from me calculated to wound the feelings of any member of this House, he may rest assured that such is not my intention; if I talk freely of religion, and

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

of the state of Maryland, it will not be from a want of sincere regard and respect. It is my wish to meet and discuss this subject as I do all others that come before us with fairness and with candour; and if I do not express myself as I ought to do. You will as on other occasions make proper allowances for me.

Of the Christian religion which I profess to believe, it is far from my intention to speak irreverently. Of Maryland to whom I owe so much, and for whose character and prosperity I feel the most sincere regard, I never can speak lightly; the best part of my life has been spent in Maryland and here it is probably my bones will rest at last, and I shall tell my children never to leave Maryland, for if I am not much mistaken she is destined to be one of the most important states in the Union. It is because I wish to see religion flourish without the aid of persecution that I now advocate the bill which has just been read, it is because I love Maryland with all my heart and soul that I wish to see her pure, spotless and irreproachable; the abode of liberty, and home of independence.

The bill now before us has been playfully called more than once, a favorite baby, or bantling of mine, and although I do not claim the honour of being its first parent, in my eyes it does indeed appear a sweet, a lovely child, and ere it is a year old will become the darling and the pride of Maryland, who will press it to her bosom as her own; it will look up with laughing eyes to its grandpapa, the venerable member from Allegany, and smile on its old friends from Baltimore and Cecil, it will meet with a cordial reception on the Western, and a hospitable welcome in every county on the Eastern shore; it will grow up beloved by all, and when arrived at the years of maturity, when of an age able to leave its native home, its first visit will be paid to a spot that was once Maryland but is now Columbia, and there it will be seen sitting on the tomb, or scattering wild flowers around the grave of its first, its earliest friend—then tears will flow to the memory, and sighs will heave in sweet remembrance of one beloved and dear—in remembrance of him who was a Pinkney; for alas! there is no Pinkney now.

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

We too, Mr. Speaker, may sigh and weep when we think "There was a Pinkney." He whom Maryland could proudly call her own, her matchless favorite son. To whom senates listened with admiration and that devout attention, which such commanding eloquence as his alone could inspire; he who on this floor almost thirty years ago appeared the bold and undaunted champion of civil and religious liberty—O! had that illustrious man when he left this world and winged his flight to the regions of bliss, let fall his mantle upon me for one short hour, I could then have placed this question before you in so luminous, so clear a point of view, and in so plain and persuasive a manner, that would have silenced all opposition and ensured complete success.

But it is well, it is truly fortunate for me, that the cause I advocate is the cause of truth; I know it, I feel it to be so; and nothing but a consciousness of this kind could make me ready and willing, weak and unarmed as I am, to meet a host of adversaries, confident of success, for the justice of the cause must flash conviction on every unprejudiced mind, which meets the question fairly.

This is a plain and simple question. For what do I contend? What are the provisions of the bill upon your table? Merely, that the citizens of Maryland shall be placed with regard to their civil rights and religious privileges on the same footing with the citizens of the adjoining states of Pennsylvania, Virginia and Delaware and indeed of every other state in the Union. This is all I ask, all that this bill provides for, and I assert with confidence and challenge contradiction on this point, that there is not another state in the Union that requires a religious test as a qualification for office—no, not one, except Maryland; this will scarcely be believed, but it is a positive fact, that cannot be denied. Neither under the Constitution of the United States, nor under the constitution of any other state except Maryland, are men proscribed for their religious opinions; that is a question left to be settled between themselves and their God. And is this such a boon, such a favor, such an act of Grace. I ask it not as a favor at your hands, but demand it as an

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

act of justice, which as the enlightened legislators of a free people you are bound to grant. I claim it as a right recognized by the old Congress; and guaranteed to the citizens of Maryland by their own declaration of rights, by the Declaration of Independence, and by the Constitution of the United States, the supreme law of the land, nay, more, as one of those inalienable, and imprescriptible rights of man with which no human power or authority can justly interfere, one of those "inherent rights" which should always remain sacred, a right derived directly from him who made the heart; and in whose hands are the hearts of all men, and who can "turn them whither so ever he will."

. . . . . .

Nay, so plain does this question appear to my mind, that it seems almost unnecessary to take up your time in arguing the subject, for I am well persuaded, that if it is fully understood, there will not, there cannot be any solid objection, to the bill on your table, either in this House, or among the people of Maryland. It is one of those subjects which bears the test of examination, and enquiry, and improves upon acquaintance; its friends are daily and hourly increasing, and public opinion is now decidedly in its favor; that is shewn in the re-election of those members who have formerly advocated the cause of civil and religious liberty on this floor, by the avowed change in the sentiments of many honourable men who are or have been members of this house; this is also unequivocally shewn in the sentiments promulgated through the press for the honour of our country be it spoken, there is not a single newspaper in the land, that I have seen or heard of, whatever may be its political complexion that has come out in opposition to civil and religious liberty; on the contrary many of them have warmly and zealously espoused the cause.

There is one circumstance which has increased the number of its friends, and that is, that the present bill is general in its provisions, and grants no peculiar privileges to any particular sect. It is no doubt fresh in the recollection of many members present that I have more than once brought

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

before this house what has been generally called the "Jew Bill," which went to exempt that peculiar people from the religious test, and I am now fully convinced that the present bill in every point of view is much more perfect, as it places every citizen of Maryland on the same footing without any regard to his religious opinions; its provisions are strictly in consonance with those of the Constitution of the United States, its principles have been sanctioned by the immortal Washington, and time and experience, have proved them to be salutary, and highly beneficial to our country. This therefore is not a Jew Bill, although that peculiar people will with all other sects be benefited by it, it is a Washington bill, a true American bill, and as such will, I am convinced, meet the approbation of this legislature.

It is, I believe, generally admitted even by the opponents of the present bill, that if we were now about framing a new constitution, there would not be any religious test incorporated in it, nay, that the question would be set at rest forever, by a declaration that no religious test should ever be required as a qualification for office, as is the law in the United States Constitution, and as was done in the constitution of Delaware in 1792, and in most of the state constitutions of a recent date. If then it is admitted that it would not be necessary to insert any provisions requiring a religious test in a new constitution, as impolitic and useless and contrary to the spirit of our free institutions, it is equally wrong and unnecessary to suffer the test to remain in our present constitution as it operates oppressively on some of our citizens, and I care not whether it deprives ten or ten thousand of their just rights, numbers cannot make a difference as to the principle, for if a single member of the body or the body politic suffer, the whole body suffers also; if one citizen is denied the enjoyment of his rights today, numbers may be tomorrow, for the same cause and the same reasons, until at last the whole community may be reduced to a state of abject slavery.

It may be enquired why was a religious test originally incorporated in the Constitution of Maryland? And the

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

answer to the question will serve to convince us if we are open to conviction, that the present bill ought to pass. Our Constitution was framed in 1776, at an early period of the Revolution, and amidst the storms of war, when an angry foe was opposing us without, and when internal enemies were seeking our destruction in secret within; it was formed at the most important period of our eventful history, when all was commotion, and when the principles of civil and religious liberty were not so well understood, as in later times. The great object at that day was to unite the friends of liberty of every religious denomination, as I shall incontestably prove to you, and the statesmen who framed that constitution, did much to ensure themselves a high place in their country's memory—the Constitution they formed carried us through the Revolutionary War with honor and glory, and under it the state has enjoyed much peace and prosperity, but they well knew that the instrument was not perfect, and accordingly it contains a provision by which it can be amended in a safe and simple way, and it has been so amended again and again, and the amendments have proved salutary and highly beneficial.

I am fully justified in concluding that if the Constitution of Maryland had been framed at a later period it would not have contained any religious test, from the fact that when the Federal convention consisting of deputies from all the United States met in 1787, to form a constitution, they adopted the principle for which I contend in its fullest extent, and what is remarkable although much difference of opinion existed on other matters on this subject there was not a dissenting voice, they were unanimous; as appears by the following extract from their proceedings.

"Journal of the proceedings of the Federal convention Aug. 30, 1787. It was moved and seconded to add the following to the 20th article: 'But no religious test shall ever be required as a qualification to any office under the United States,' which passed unanimously in the affirmative."

This one single circumstance, this stubborn fact should, I think, put an end to the controversy and cause those who

have hitherto hesitated as to the vote they should give us on this bill to cry out "We are not satisfied, let it pass." Look at the names of those illustrious men who formed the constitution, composed as the bright record is, of Revolutionary heroes and statesmen, with Washington as their head; there too is a Franklin, a Livingston, a Hamilton, a Madison, a Dickinson and a Mifflin, and many others whom their country have often delighted to honor; take them collectively, and you will scarcely find on the pages of history a more worthy assemblage, and if virtue of the purest kind, talents of the first order, wisdom the most enlightened, and patriotism the most noble, are wanting to sanction the principle for which I contend, here is that sanction to be found—here is an example worthy our imitation, here is a precedent to which we can point with pride and with pleasure; to err with such men would be pardonable, but to follow their example in so glorious and good a cause is an honor almost too distinguished; too exalted; and for us to pronounce at this time of day after an experience of thirty-five years has tested their principles, and stamped them with the seal of approbation, for us to pronounce them wrong, to despise their doctrines, to scorn their example, and to remain in the ranks of superstition and prejudice in opposition to them, would appear to me, I confess, a sacrilegious act; it would be trampling on the Constitution of the United States, and we might with equal consistency abjure the principles of Seventy-six and the Declaration of Independence.

But it was not in the Federal convention alone, that these doctrines were sanctioned; this was done universally, in every state convention that assembled to ratify the Constitution of the United States, even in Maryland there was no objection, and by the list which I shall now read to you of the members of our convention who ratified the United States Constitution you will find the names of members who formed the constitution of Maryland and all of them men who have stood, and did then stand high in their country's estimation. Here Mr. Kennedy read their names. Surely these facts ought to convince every person, that had the Constitution of Mary-

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

land been framed at a late period, no religious test would ever have been required.

I contend further that the faith, the solemn faith of Maryland is pledged to grant civil and religious liberty to all her citizens. Maryland sent delegates to the old Congress in 1774, and is bound to perform what they promised, and they did promise civil and religious liberty to all persons who would join their standard. Here are their own words. (Mr. Kennedy here read extracts from the *Journal of Congress,* vol. 1, p. 15, 101, 134, and vol. 2, p. 199, 292.) Were these pledges given to deceive, did Maryland join in the pious fraud? No! let it be whispered—and will she break her plighted faith, her Revolutionary pledge? No! she has too much honor, too much magnanimity for that. She can now redeem it. Ah! and she will redeem her pledge and fulfill her vows, made in the name of independence at the altar of liberty, as all the other states have done.

But to present this question in a plain point of view, and to show why a religious test was even in the days of the Revolution inserted in the constitution, it will be necessary to remove much ancient rubbish, and to go back to the first settlement of Maryland under the charter of King Charles the First; and upon enquiry we shall find that religious tyranny led in no inconsiderable degree to the settlement not only of this state, but also of the New England states; and whilst the Puritans were establishing themselves in the north, the Catholics were seeking an asylum in the south, and when we recollect that Episcopalians, Puritans, and Catholics were so intolerant to each other in England, we cannot but admire the mysterious working of divine Providence which has ordained that this highly favored land should be the scene, where religious liberty was first to be displayed in all its heavenly purity, and that here the jarring elements of religious controversy should mingle in peace.

The Catholics and Puritans were intolerant to each other in England, and both were opposed to the Episcopalians, and these in their turn shewed but little of that spirit of Christianity which our holy religion so strongly inculcates.

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

A few years before the settlement of Maryland, James I, in the second charter of Virginia, stated that the principal effect desired or expected by the act was the conversion and reduction of the people in those parts, unto the true worship of God, and Christian religion; and no person was to be permitted to pass, suspected to affect the superstitions of the Church of Rome, and none were to be permitted to pass in the said country but such as first had taken the oath of supremacy, which obliged the subject to acknowledge the king for supreme head of the Church of England, and this oath of supremacy was tendered to Lord Baltimore, on his visit to Virginia by the assembly of that province, but it was rejected by him, and the reception of that conscientious nobleman in the "ancient dominion" in the now far famed hospitable State of Virginia was more of a savage than a Christian character; it was worse than savage, and he therefore soon bade them adieu, and sought for another shore, where though there was less of civilization, there was more of humanity; he sought and found our own dear and well beloved Maryland and there after his decease his son raised in St. Mary's the great standard of civil and religious liberty, under which all nations shall one day assemble; he raised the banner of the cross, the ensign of that religion which breathes, in its every line, "peace on earth, good will to men"; that religion which has so often been used as a cloak, to cover designs the most despotic and tyrannical.

In the same year (1634), historians tell us that the Puritans of Massachusetts, led away by prejudice, could not bear even to look upon the emblem of the cross on which the saviour died; full of religious zeal, they tore the cross out of the colours under which they mustered, as being a relique of anti-Christian superstition. Here was fanaticism, and this too was called, this was believed to be Christianity; this was done by those who called themselves the disciples of the meek and lowly Jesus; the purest of the pure among his disciples. Thank heaven, the scene has changed in all the New England states; the reign of fanaticism is there at an end forever; even Massachusetts since the first agitation of

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

this question in Maryland within the last two years, has torn to atoms the last relique of superstition and intolerance; and though the question of religious liberty was first agitated in Maryland, Massachusetts has nobly led the way by a total abolition of her religious test; and that state where civil liberty was rocked in its cradle, has now at the breast its twin sister religious liberty; at the breast? No! It is a weaned and a well-grown proper child; and are we to continue spell-bound in Maryland, are we to strangle our infant in the birth or stab her in the dark—are we to continue to be the mock and by-word of other states, the scorn of the world, and an example and an argument for religious tolerance to other nations?

The charter of Maryland, granted by King Charles, is much more liberal in its provisions than the second charter of Virginia, granted by the first James; and although it mentions the "pious zeal for extending the Christian religion," yet it does not give a preference, nor does it proscribe any religious sect, and although it provides that no interpretation of the charter shall be made whereby God's holy and true Christian religion shall in any wise suffer by change of prejudice; yet it does not say whether that "true religion" was Catholic, Puritanic, or Episcopalian.

And it is due to the Catholics, the first founders of Maryland, to state that a liberal spirit seemed to characterize their public acts in all cases of a religious nature; for although in 1640, soon after the first settlement of the state, an act was passed which provided, "that the holy church within this province shall have and enjoy all her rights, liberties, and franchises, wholly and without blemish," yet another act was passed in 1649, of the most liberal character; which not only declared "that the enforcing the conscience in matters of religion hath frequently fallen out to be of a dangerous consequence to those commonwealths where it hath been practised"; but also provided for the punishment by fine, or whipping, and imprisonment, without bail, of any person who should in a reproachful manner call anyone by the name of Heretic, Schismatic, Idolator, Puritan, Independent, Presby-

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

terian, Popish priest, &c &c or molest any persons believing in Jesus Christ, on account of their religion, or compel them to the belief of or exercise of any other religion, against his or their consent.

Charles, from whom the charter of Maryland was obtained, was brought to the block by his own subjects, and Oliver Cromwell reigned in his stead, as Lord Protector; and now the Puritans were at the height of their power and religious persecution became the order of the day even in infant Maryland, and we may here be surprised at the contrast between the liberal acts of the Catholic Calvert and the agents of the Puritanic Cromwell.

In an assembly held at Patuxent in 1654, an act was passed entitled, "An act concerning religion," in which it was declared "That none who professed the Popish (commonly called the Roman Catholic) religion could be protected in this province, by the laws of England formerly established, and yet unrepealed, but to be restrained from the free exercise thereof," &c. Other sects were to be protected in the exercise of their religion; but such liberty was not to be extended to Popery, or Prelacy, or in other words to Catholics nor Episcopalians, nor to such as under the profession of Christ held forth and practiced licentiousness, that is, those who were opposed to the government of heaven's vicegerent, my Lord Protector Oliver Cromwell.

If these facts were not upon record, we might, Mr. Speaker, at this day, disbelieve them, but they are true; here they are staring us in the face. What! the founders of a colony, the owners of the soil, declared out of the protection of government, outlawed, exiled, liable to be insulted, robbed, murdered!—Nay, sometimes worse; for there are sufferings that to the softer sex are worse than death itself: and all this because they chose to worship God in their own way; and all this done by their own countrymen; by their brethren. Ah! and by fellow Christians too; and this all for the glory of God; for the promotion of the true Christian religion. Heavens! I confess when these days and these doings are brought to my remembrance, I lose all patience, and can

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

scarcely refrain from cursing the perpetrators of such crimes, and am sometimes almost warm enough to be illiberal towards those who are even to this day continuing this same system of persecution, by advocating a continuance of the religious test in Maryland. It humbles, it degrades, it makes me sad to think that we have still those among us, recorded Christians too, who notwithstanding the lessons we have learned in the examples and experience of other states, are so devoid of Christian love and charity as to break the most sacred commands of the gospel; for next to God, we are commanded to love our neighbor as ourselves; and who is our neighbor? If we read the story of the good Samaritan as told by our Saviour himself, we will not long remain ignorant; and may we not only read, but go and do likewise.

After religious persecution had ceased in England there was also peace in Maryland, and in 1676, an act was passed rendering perpetual the liberal act of 1649 which I have already quoted; and this proves conclusively that when the Catholics of Maryland were in power, they shewed far more liberality in religious matters than either the Puritans or Episcopalians, and I am gratified in being able to pay this tribute to them with justice and with truth; and brought up as I was, a strict Presbyterian, and taught to hold Catholics in abhorrence, it gives me much pleasure to say that the more I have seen and known of them, the more I esteem and regard, the better I love them.

And for their liberality in Maryland, the Catholics were most generously and kindly repaid after the revolution of 1688, when William and Mary succeeded to the British throne following James II. At an assembly held at St. Mary's in 1692, an act was passed establishing the Church of England in Maryland entitled, "An act for the service of Almighty God, and the establishment of the Protestant religion in this province." Among other things it was provided by this act that each taxable, should pay 40 lbs. of tobacco annually, for the use and benefit of the Minister; and every male resident above the age of 16 yrs. was accounted a taxable, also all female slaves and mulattoes, born of white

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

women, and free negro women. This law was repealed by an act of assembly passed in 1696 but which his Majesty dissented from; and in 1702 an act was passed at Annapolis, entitled, "An act for the establishment of religious worship in the Province, according to the Church of England, and for the maintenance of Ministers." This act continued in force until the Revolutionary War, and it also provided that all taxables should pay 40 lbs. of tobacco to the Minister of the Parish, and that protestant dissenters should be exempted from penalities, or forfeitures, on account of their dissenting. Laws were passed about the same time to prevent the growth of Popery, and in 1716, an act was passed entitled, "An act for the better security of the peace and safety of his Lordship's government and the Protestant interest."—which effectually proscribed Catholics from office, and which may be considered as the origin of our religious test, for this is the first religious test which I can find upon our records.

Among the oaths of office required to be taken by this act, under a heavy penalty were the following: "I, A. B., do swear that I do from my heart abhor, detest and abjure, as impious and heretical, that damnable doctrine and position, that Princes ex-communicated, or deprived by the *Pope* or any authority of the See of *Rome,* may be deposed or murdered by their subjects, or by any other whatsoever. And I do further declare that no foreign Prince, Person, Prelate, State or Potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, Ecclesiastical or Spiritual, within the kingdom of Great Britain, or any of the dominions thereunto belonging. So help me God.

I, A. B., do declare that I do believe that there is not any transubstantiation in the sacrament of the Lord's Supper, or in the elements of bread and wine, at or after the consecration thereof by any person whatsoever."

And it was further enacted that if any person who had taken the said oath should afterwards be present at any Popish assembly, conventicle or meeting and join with them in their service of mass or receive the sacrament in that

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

communion, he should forfeit his office and incur the penalty limited by the act, and be incapable of holding any office, until he should be reconciled to the Church of England, and receive the communion therein.

Here was persecution with a vengeance, here was proscription in its most detestable form. The Holy Sacrament of the Supper, the most sacred *ordinance* of every Christian church was to be profaned, as it is at this day in England and Ireland, where men are compelled by law to "eat and drink damnation to themselves," as a qualification for office; for no matter what is the character; no matter what is the religion, no matter how dissolute a life he may lead, the most abandoned reprobate, before he can execute the duties of his office must receive the communion according to the Church of England.

Nor was this all; there was more persecution in reserve. Catholics were to be disfranchised completely. An act was passed at the session of 1718, which after complaining of the increase of professed Papists, and apprehensive that their party would so increase in the province as well as in the city of Annapolis, provides, "that all professed Papists whatsoever, be and are hereby declared incapable of giving their vote in any election of a delegate or delegates, unless they first qualify themselves by taking and subscribing the oath of abjuration and declaring," which I have just read. Nay more, if they were even suspected to be Papists, Popishly inclined, these oaths and subscriptions were to be tendered to them, and upon refusal, their votes were to be set aside. And to prevent the increase of Papists, twenty shillings sterling was imposed as a duty on all Irish servants brought to Maryland by land or water, this was afterwards repealed as to Protestants, but an additional duty of twenty shillings current money was imposed on Papists and to discover them, the oath of abjuration was to be administered, and when lands were taxed to raise supplies for public expenses those of Catholics were taxed double the sum paid by Protestants; nay, the very tenderest feelings of human nature were outraged by an act passed in 1715, chap. 39, by which the

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

children of a Catholic widow, or one who intermarried with a Catholic, could be torn from her arms, taken from her protection, and put under the guardian care of a Protestant, to be brought up in that religious faith.

I cannot think of these things, Mr. Speaker, with any degree of patience, but I cannot let them pass without freely expressing my abhorrence and detestation of such abominable acts; they were acts disgraceful to Maryland, disgraceful to humanity, and most disgraceful to the Christian name and character; and yet these criminal acts, for I cannot call them by a softer name, were all perpetrated in the blessed name of Christianity, all for the support of the true religion.

For almost three score years the Catholics were doomed to suffer a worse than Egyptian bondage, but their day of redemption came at last, and when the oppression and folly of the British government drove the people of this country into a revolution, no wonder the Catholics of Maryland were found foremost in the ranks, no wonder that they were all, or nearly all, Whigs, and a Catholic Tory was a rare character.

And this was a favorable crisis for them to insist on a restoration of their civil and religious privileges; they were a large and respectable portion of citizens, and they could use, with propriety, language such as this to their Protestant brethren: "The question of American independence is about to be settled; war is at hand, and our blood must flow, and our fortunes be spent in the cause of our country; we have with you felt the evils of tyranny and oppression, which the British government has so long and so unjustly inflicted; but we have felt those evils more severely, they have attempted to tyranize over our minds, and because we adhered to the religion of our fathers, they have disfranchised us, proscribed us from office, denied us the enjoyment of civil rights, and branded us as dangerous members of society. This state of things must not longer continue, we must no longer be punished for our religious opinions; we must no longer be proscribed from office, we must no longer be denied the rights of suffrage, we must no longer pay double taxes,

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nor must we be taxed at all, for the support of the ministers of another religion, for we hold these truths to be self evident 'That all men are created equal' and 'that is the duty of every man to worship God in such manner as he thinks most acceptable to him.' We ask no peculiar privileges; but we ask to be put upon an equal footing with the rest of our fellow citizens; we ask as freeman of Maryland the restoration of those rights recognized and acknowledged by the first founder of the state; this done and we are satisfied, this granted and we are with you, heart and hand, our motto, 'Independence or Death.' ''

And could requests so reasonable have been denied by those patriotic men who were taking up arms to resist the encroachments, and the tyrannical measures of Britain—could they have consistently refused to do justice at home? No, it would have been impossible, the religious test as to Catholics was abolished; the Church of England was no longer the established church, and taxation for its exclusive support was done away; forever.

This was a great victory gained by the Catholics, it was granting them all that they had ever asked, all that they ever claimed in Maryland, even when they were in power; and it may be asserted with confidence that it was to satisfy them that the 35th article of the declaration of rights was inserted, which is in these words: ''That no other test or qualification ought to be required, on admission to any office of trust or profit than such oath of support and fidelity to this state, and such oath of office as shall be directed by this convention or the legislature of this state; and a declaration of a belief in the Christian religion.''

Had ''no other test''—no other religious qualification, existed previously to the Revolution in Maryland, the presumption is that no test would have been required, other than an oath of fidelity to the state, and this is the more probable, from the fact that religious tests were not required in any other state, save Massachusetts. But as ''other tests'' had long been in existence, the Catholics were perfectly right to make provision to protect themselves in future, for had the

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

Declaration of Rights been entirely silent on religious subjects they had reason to fear from past experience they might again be proscribed from office, and taxed for the support of another church; and they had warning not only from their own sufferings, but from the persecution of their Catholic brethren in other states, particularly in New York previous to the Revolution, to be cautious in providing due guards for their future protection and self-preservation, for even in July, 1776, before the adoption of our constitution, it had been declared in the constitution of North Carolina "That no person who shall deny the truth of the Protestant religion shall be capable of holding any office"—and the constitution of New Jersey, adopted also in 1776, declared that it was only believers in the Protestant faith who should be entitled to enjoy civil rights or be eligible to office. It was then wise and correct in the Catholics of Maryland to demand a solemn pledge that they should enjoy equal rights with the rest of their fellow citizens. This pledge was given, and this no doubt inspired them with more than common zeal and courage—they embarked in the Revolutionary contest with a noble ardour, none were more patriotic, none were more zealous in supporting the principles of Seventy-six, none stood higher in their country's estimation; in the field their blood flowed freely, in their councils of the state and the nation they held the highest offices and filled them with much honor to themselves and advantage to their country. One of those illustrious men who signed the Declaration of Independence, Charles Carroll, of Carrollton, was a Maryland Catholic, and the second Governor under the new constitution, Thomas Sim Lee, was another. What a change was this, and what evils arose to the state from this great change? None, on the contrary positive good was the consequence, and always will be, of a liberal and just course of conduct.

It was therefore, Mr. Speaker, the persecution and proscription of the Catholics that caused the religious test to be first used in Maryland. This was its first origin, persecution was its first parent, it was nurtured by superstition and prejudice, and though always a pale sickly child, unable to

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

bear the sun or to breathe the pure air of liberty, yet under the influence of priestcraft, in the hot bed of oppression it grew in statue; it assumed the meek, mild and heavenly form of Christianity, but its temper was that of a demon, blinded by intolerant zeal. Led astray by fanaticism, it vented its fury on those who worshipped the same God, and believed in the same Saviour, but it received from the spirit of Seventy-six a deadly blow, a mortal wound; its agonies have been long and painful, but its time has come, its end is at hand, and it would be an act of kindness and mercy to let its troubled spirit depart in peace—an outcast from every state but Maryland, it is doomed to die where it received its birth —and its grave, like that of a murderer, will be avoided with horror and detestation; its memory, let it be blotted out forever.

And as good often arises out of seeming evil, the very proscription of the Catholics which gave use to the religious test, has ultimately proved not only advantageous to them, but to the cause of religious liberty; for the concessions made to them, the principles asserted in the declaration of rights completely dissolved the unholy alliance between Church and State in Maryland; and dissolved at such a crisis, severed under such circumstances, the act sealed with blood and ratified by patriotism, promises fair to be a perpetual, an eternal separation; and woe to the man who ever dare attempt, openly or secretly, directly, or indirectly, to re-unite those whom Heaven itself has forever put asunder.

"Woe to the traitor, woe."

And I again repeat that had the Constitution of Maryland been framed at a later period, there is no doubt but it would have recognized the liberal principle that no religious test should ever be required; the subject was much better understood after the close of war, and was fully and frequently discussed previous to the adoption of the United States Constitution, the views and sentiments of some of the leading statesmen of that period are well expressed in the *Federalist* a well known publication, and from which I shall read a few extracts.

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

"In politics as in religion, it is equally absurd to aim at making proselytes by fire and sword—heresies in either case can rarely be cured by persecution."

And speaking of the Constitution it is observed,

"The door is open to merit of every description, whether native or adopted, whether young or old, and without regard to poverty or wealth, or to any particular profession of religious faith."

"The aim of every political constitution is, or ought to be, first to obtain rulers, who possess most wisdom to discern, and most virtue to pursue the common good of society.

"And again who are to be the objects of popular choice? Every citizen whose merit may recommend him to the esteem and confidence of his country. No qualification of wealth, of birth, of religious faith, or of civil profession, is permitted to fetter the judgment, or disappoint the inclination of the people."

These few extracts shew the opinions of the fellow labourers and bosom friends of Washington, and time has sanctioned their noble sentiments with full approbation—Maryland has long approved them, and she is again about to shew her approbation by adopting their very language and announcing to the world—that "no religious test shall ever be required as a qualification to any office or public trust, under the State of Maryland," and the honourable task devolves upon us to declare her will, and to put upon record our assent to principles which ought ever to be held sacred, and which have been approved by almost every enlightened statesman, of every party, both in this country and on the other side of the Atlantic. And Mr. Speaker, to be plain and candid, I must say that I would rather be a doorkeeper in this house after the passage of the present bill, than to fill your honourable chair whilst the odious test remains—for it is not rank or station that confers merit—and I have known as much honesty and real worth in a humble doorkeeper, as in those who have filled the highest stations.

"The man's the man for a' that."

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

Why should we continue a test, unknown, unasked in any other of our sister states! Unknown, unasked under the government of the United States? It is not necessary, it is not right, it is ridiculous, it is absurd, it is a stain upon Maryland and countenances a vile slander; it virtually acknowledges what I absolutely do deny, what I pronounce to be false, that we have so many among us who are enemies to the Christian religion, that we cannot trust any man even to be a constable until he makes a declaration of his belief, and that not once in his life, but every time he is appointed to any office. If elected to this house for 20 years in succession, if chosen to the senate for 5 years at one time, he must every year declare and sign himself a Christian, and this is accompanied with another insulting oath: "That he does not bear allegiance to the king of Great Britian." An oath which at the session of 1820, I endeavored in vain to get abolished, but which the good sense of this legislature will, I am satisfied, send to the same tomb with the religious test. Our allegiance to heaven is doubted in the one case, and our allegiance to the state in the other; and doubted, although from our cradles we have been known to be openly and avowedly Christians, and although we may have served seven long years in the Revolutionary War, and have fought and bled in the cause of Independence, and although that Independence was acknowledged by Britain herself forty years ago; surely, surely it is time to put an end to their inconsistencies, to abolish those absurd and unnecessary qualifications to office.

But is Christianity not to be protected? Protected against whom? Who are its enemies? I know of none. Public opinion protects it, and public opinion is sufficient to restrain and defeat all attempts that may be made to injure the cause of religion. Female influence strongly protects it; the sweet example of one lovely woman is superior in power to ten thousand religious tests—they irresistibly impel us to be virtuous; from woman in infancy we first learn those precepts of religion which we never forget—they mould us in youth, and they manage us in age—they are our best friends and our best instructors—and never does woman appear in so

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

lovely and interesting an attitude, as when on her knees at the throne of grace, nor can purer incense ascend on high than the prayers of an affectionate and virtuous woman—and thank heaven, woman, lovely woman, is on my side, and many a devout request is at this moment made by many a noble hearted woman that this bill may pass; and their prayers will be heard in heaven, and favorably answered.

But even than public opinion—even than woman—a greater is here. The Christian religion does not require—does not stand in need of human protection—it does not command—it does not authorize the interference of the civil power to aid its cause—it is all powerful in itself, and its Divine Author has said that the gates of hell shall never prevail against it; and I appeal to this blessed book (the Bible) and assert that it neither commands nor requires the interference of the civil authority in its behalf. "It is not of this world." Salvation is here freely offered to men, but if the previous boon is refused, they are not answerable to any human tribunal for their neglect—they are not to be punished and denied the enjoyment of civil rights because they do not embrace the doctrines of the gospel—nor are they to be tempted with the offers of office, and power and wealth to make or keep them Christians. Christianity has no persecution about it—it is not congenial to its growth, its first principles are peace and good will to all men—it condemns all uncharitableness, it inculcates kindness to all—even to our enemies—its spirit is love—love to God, and love to man—it denounces bigotry and hypocrisy—declares that mercy is better than sacrifice—forbids us to judge others lest we be judged, and tells us in language too plain to be misunderstood that faith without works is dead, and that he who saith he loves God and hateth his brother is a liar.

I am not an enemy to Christianity, it is as I have told you, the religion I profess to believe—it was my father's—it is my children's—it is my best hope on earth, and enables me to bear up with some degree of fortitude against the troubles and trials of life—nor am I half way Christian, in my belief—whatever I may be in practice—I believe in the Holy Trinity,

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

and if I know myself rather than abjure my religion, I could walk with perfect resignation from this house to the scaffold. And it is that very religion which has taught me not to condemn another because he differs from me in opinion; to his own master he standeth or falleth. Poor, weak, fallible creatures as we are; who gave us the power to judge others for their opinions? We have no such power and now therefore dare we impiously usurp the power of the Deity and punish our brother for his very thoughts—those thoughts which God has created and ordained to be free. How dare we attempt to avenge the insults which we suppose are offered to him who said "vengeance is mine—I will repay."

I was much pleased a few mornings past, when my young and amiable friend, from Talbot, came into the Washington room, and observed in style and language far more eloquent than I can use, how much goodness was displayed by our Creator. "See" (he said) "how beautiful does the glorious sun rise in the East upon a guilty and a sinful world." He was right. God is indeed kind and gracious to man—his remarks were strong and impressive, and strong in favor of the principles I advocate. The sun does rise on the evil and on the good, and He sendeth rain upon the just and upon the unjust, and we are commanded by our Saviour himself to imitate our Maker in His divine perfection—in His acts of goodness, loving kindness and tender mercy, which are declared to be over all His other works; to "be perfect even as our Father in Heaven is perfect," and these acts of imitation are within our power—it is only in such acts that we can imitate Him. We can "love our enemies"—we can "bless them that curse us"—and "do good to them that hate us"—and we can "do unto others whatsoever we would that they should do unto us." This is Christianity, and stronger arguments against test laws cannot be adduced, they will convince. I trust even my friend from Talbot; for if God can bear with sinful man cannot sinful man bear with his brother? Must he not only take him by the throat and say "pay me that thou owest"—but must also tell him you shall believe as I do, else you shall be punished, you shall be

UB Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main DFG

proscribed from office—denied the enjoyment of your civil rights, taxed to support the ministers of a religion in which you do not believe—you shall be taxed doubly to pay the expenses of a government in which you are not represented —if all this will not convince you, and convert you, if you will not turn apostate from the religion of your fathers—you shall be outlawed, banished, exiled from your home, your property confiscated, your homes branded with infamy—and if still incorrigible—still heretical—you shall be brought to the rack—tortured to death, or suffered to expire of a gibbet like a felon, or in the more cruel flames; and all this out of pure love to your immortal soul—all this to make you a true Christian.

It is almost madness, Mr. Speaker, to think that all these dark deeds have been done, and done in the name of religion; done under the cloak of Christianity; done, did I say? They are yet daily done, done in some degree in Maryland, done in England, in Ireland, miserable, wretched heart-broken Ireland—and done, or done of late in their worst forms in Spain and Portugal;—and if they are justifiable in the least, they are justifiable in the highest degree, for they are all sprung from the same infernal parent, persecution. Yes, Maryland, our own Maryland, has been the scene of religious persecution, and our statute books present some laws which the zealous Christians of 1776, and 1723, thought as necessary, as some among us now do the religious test—it is only three sessions ago, since one of these abominable laws was repealed, which provided for boring the tongues, and branding the foreheads (sweet Christian remedies) of those who did not believe in the Holy Trinity or denied the unity of the God Head, etc. These laws shew us what man is, when he is led away by religious zeal; this shews the necessity of protecting the rights of conscience against all earthly interference, for once admit the principle that we may interfere with the right of conscience in any, the least degree, there is no point which we can stop—no limits to tell us "hitherto we may come, but no further"—it may begin with the person or property, but it has no bounds but the grave—its limits end only with life.

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

But who are proscribed in Maryland, who are denied the enjoyment of civil rights on account of their religion? Every man is proscribed who does not declare and subscribe his belief in the Christian religion; and some as worthy citizens as any in the state, and who stand as high in public estimation, are thus proscribed. Men who in peace and in war have proved themselves faithful and true to their country's cause, men too, who worship the same God and who have the same revelation with us; who believe in a future state of rewards and punishments; from whom our religion is derived, "from whom pertaineth the adoption, and the glory, and the covenants, and the giving of the law, and service of God and the promises; whose are the fathers of whom as concerning the flesh Christ came, who is over all God blessed forever." (Rom. 9 chap. v. 4 and 5.) To them we are indebted for a principal part of our religious exercises; their ten commandments we have adopted; their psalms we sing every sabbath day; their principles we profess; their precepts we inculcate: from the cradle to the grave, we are indebted to them, and to their religious writings. We are told of Noah's Ark, and of the Red Sea, at our baptisms—Isaac and Rebecca are pointed out to us as a faithful pair when we are united in marriage, and when we are carried to our long home, to the house appointed for all living, the words of their prophet are proclaimed—I know that my Redeemer liveth, and that he shall stand at the latter day upon the earth;—and when the last sad scene is about to close on us, when the earth is remitted to earth, ashes to ashes and dust to dust, again the beautiful language of their inspired writers sounds with a pleasing melancholy air in the ears of survivors, and warns them also to prepare; tells them that "man that is born of a woman is of few days and full of trouble." Yet strange to say though in religion we unite with them and though we use their very religious writings in our most solemn feasts and ceremonies, yet we give our religion as an excuse for not admitting them to the enjoyment of civil rights—we deny to the most worthy among the Hebrews, the privilege granted to the most profli-

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

gate, to the vilest of the vile, who *will* call himself a Christian, even though by his conduct he denies and disgraces his profession.

Their religious doctrines are contained in the Old Testament—in Moses and the Prophets—and what does the Church of England say in the 7th Article of the Old Testament—these are the words—"The Old Testament is not contrary to the New; for both in the Old and New Testament everlasting life is offered to mankind by Christ who is the only mediator between God and Man, being both God and Man. Wherefore they are not to be heard, which feign that the Old Fathers did look only for transitory promises." Under this explanation from the church itself, our Hebrew brethren might come forward and sign a declaration of their belief in the Christian religion—for they too believe in the Messiah—and it shews that they are truly conscientious and faithful even to the letter of their religious professions, for they prefer suffering, persecution, to doing any act that might be construed even doubtful.

But it is not only in the articles of the church that the children of Israel are counted as Christians; we are told in the epistle to the Hebrews, that Moses "esteemed the reproach of Christ greater riches than the treasures of Egypt"; and we are told in the same epistle of the faith of a long list of patriarchs from Abel to Samuel, we are told by Christ himself that "Abraham rejoiced to see his day, and he saw it and was glad"; He tells us that "Moses spoke to Him—and He also declared that salvation is of the Jews."

And as salvation is of the Jews in the days of old so we are again to be indebted to their persecution for the complete triumph of religious liberty in Maryland; and as it was the persecution of the Catholics that led the way to the dissolution of Church and State—so the proscription of the Jews will end in benefiting not only them and their Christian brethren, but will shed lustre on the character of Maryland, by causing the religious test to be abolished forever.

What does our test law say to the Hebrews? It tells them that they shall perform all the duties and bear all the

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

burthens of citizens without enjoying common privileges. This is unjust, and it is peculiarly and severely felt by parents, and every parent knows how dear a child's welfare and happiness is, but what do we say to parents in Israel? We tell them your son may be all that is wise and good, he may take the first honours at school both for learning and good conduct; he may possess talents of the first order, and merit the most exalted, be beloved by his fellow citizens; and capable of doing them much service, but let him be as wise and patriotic as Washington, he never can represent the people in the legislature nor command them in the militia; let his legal acquirements be ever so great and his eloquence ever so brilliant, he will not be permitted to plead at the bar, nor sit upon the bench—he cannot be an attorney, a judge, a justice —no, not even a constable; he must serve on juries, pay taxes, bear all public burdens, do militia duty and yet be denied the enjoyment of those civil rights which every other member of the community enjoys.

Am I in Maryland Mr. Speaker, and are these things done here? In that Maryland who in the times that tried men's souls was found faithful and true and whose gallant sons reaped a rich harvest of honour—in that Maryland whose bravery on the ocean, the lakes and the land in the late war was often nobly displayed, that kind, good, virtuous, hospitable Maryland, is it possible that Maryland is so cruel to her own offsprings, so hard hearted to her own children as to deny them a seat at her table, to refuse them a portion of that bread of which she has enough and to spare? It is too true these things are so. Yet Maryland is not to blame, she has been kept in ignorance, she knew not that some of her children were kept in bondage by prejudice and superstition; but she hears their voices, she bursts their prison doors and sets them free; she kindly embraces them and they seem dearer to her from the sufferings they have so long and so patiently endured.

This bill ought to pass if it was only to do justice to the long oppressed Hebrews; but it is not for their benefit alone; it is establishing a general principle which ought to have

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

been incorporated into our constitution long ago, a principle sanctioned by reason, by religion and by common sense; a principle recognized in every other state in the Union, approved by the patriots of the Revolution, sanctioned by wisdom and virtue and tested by experience.

I have consumed much of your time Mr. Speaker, and could still say much more on this important subject, for every day and almost every hour there is something new in relation to it brought to my knowledge. I consider it the most important subject that will come before us this session. Our finances, it is true, are not in a flourishing condition, and will require attention, but "ways and means" will be found to bring us out of difficulty—the state is still solvent, the state is rich, rich in resources, but what is a money question in comparison with one involving the great principles of civil and religious liberty? Let us do justice in this respect, and we need not fear but what our money concerns will all be easily and satisfactorily arranged.

For the present then I will pause, to hear what others may have to say, and as I have had the first, I should wish to have the last word on the subject. A few short years at most Mr. Speaker, and you and I and all who now hear me must leave this transitory scene—let us then pass this bill—let us pass it unanimously, we never will repent it—even on a dying pillow, it will comfort us to think that we have done at least one good act in our lives, that we have been instrumental in establishing religious freedom in Maryland—that we have broken the yoke of superstition and prejudice and let the oppressed go free, and that we have caused happiness to many an anxious heart.

Lay old superstition low,
Let the oppressed people go,
To the bill let none say no,
Aye! unanimously.

The Act giving the Jews complete religious freedom passed the December session of 1824. The following address by Col.

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J. W. D. Worthington, did much to hasten the passage of the measure:

Mr. Speaker:—

On a subject of this high importance, I feel a deep solicitude. It seizes on the feelings and anxiety of the old and the young, suspends the light pursuits of the gay and the thoughtful, become doubly attentive on this momentous question. See what an extraordinary concourse from all quarters, of all ages and sexes, this discussion today has attracted to your house!—every lobby, aisle and avenue crowded almost to suffocation!

This is a spectacle which no other nation on the earth, on an occasion like this (the dispassionate discussion of a political question, though not entirely abstract, yet least complained of by those who both theoretically and practically are affected by it) can exhibit, unless a discoloured and inflamed resemblance to it may be occasionally found amongst some of the high-minded nobles and honest yeomanry of the Kingdom of Great Britain. Nowhere else on this hapless political sphere, than within the limits of our union, need the patriot or philanthropist look for the realization of the scene now before our eyes!

I shall treat this subject with great gravity, and endeavour, by matters of fact, unquestionable calculations, and plain but honest reasoning, to convince this honourable house of their duty and necessity in passing this Confirmatory Act. I shall deal in no ingenious hypothesis, no wild speculations! And though "bright-eyed fancy hover o'er," I shall restrain even a look towards these flowery fields, where, in the fairy morning of life, it so delighted me to roam.

I shall divide my subject into two parts, by laying down two propositions:

1st. This disqualification is against the spirit of our constitution, and the letter of that of the United States, and against the genius and character of the government of our State and Union, and the age in which we live.

2nd. It is against the policy of our country.

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

Sir. The whole scope of the Declaration of Rights, and the Constitution of Maryland, go to promulgate and establish our unrestrained and liberal form of government. It exists only in this character, and breathes only this spirit—so that this religious restriction seems to be an alien and disjointed member of that compact—an intruder, an interpolator. Upon a fair and liberal construction, even in ordinary concerns, this repugnant condition would be controlled and merged in the clear and unequivocal intention of the whole instrument. It is superfluous to refer to any particular clause or section. It must be recollected, too, that this basis of our state rights was framed at so early a period as August, '76, when something of monarchial and colonial prejudice, and narrow-mindedness, still hung about us—passing upwards, from dependence to freedom! So, the soul, as it is quitting its earthly tenement, may have some mortal particles hanging about it, till aspiring aloft, those grosser elements fall to the ground as she reaches her pure and incorruptible abode!

Not so with the Constitution of the Union—that was framed many years after, when we had passed from colonial misgovernment through the fiery ordeal of a long Revolutionary War—had reposed after its termination under a confederation, and then, in a manner defecated and tranquil; the sacred charter, the Constitution of the United States was elaborated into being. There we have a right to look for, and there we see, this wily enemy to equal rights could find no habitation nor resting place; the gates and the walls were too well watched, and his crippled wing could not now lift him from the earth to soar above those impassable barriers. No religious test stands in high relief over the very portals of the temple, and intolerance falls broken and prostrate at the sight! This was no hasty principle engrafted in the Constitution—it grew out of the plighted faith of the patriots and heroes of the Revolution, and the wishes of the states after the dissolution of the confederacy. I will, with very few comments, read from this old and venerable edition

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

of the proceedings of the Revolutionary Congress, express authorities to substantiate my assertion.

JOURNALS OF CONGRESS

Address to the inhabitants of Quebec—vol. i. p. 60.

"We are too well acquainted with the liberality of sentiment distinguishing your nation, to imagine that difference of religion will prejudice you against a hearty amity with us. You know that the transcendent nature of freedom elevates those who unite in her cause above all such low-minded infirmities," &c.

Address to the oppressed inhabitants of Canada—vol. i. p. 101.

"Nay, the enjoyment of your very religion, in the present system, depends on a legislature in which you have no share, and over which you have no control," &c. &c.

To encourage foreigners to quit the British service—vol. ii. p. 292.

"Whereas, it has been the wise policy of these states to extend the protection of their laws to all those who settle among them, of whatever nation or religion they may be, and to admit them to a participation of the benefits of civil and religious freedom; and the benevolence of this practice, as well as its salutary effects, have rendered it worthy of being continued in future times," &c.

New Jersey representation on the articles of confederation, vol. iv. p. 269.

In the fifth article, where, among other things, the qualifications of the delegates from the several states are described,

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

there is no mention of any oath, test, or declaration, to be taken or made by them, previous to their admission to seats in Congress. "It is indeed to be presumed, the respective states will be careful that the delegates they send to assist in managing the general interests of the union, take the oaths to the government from which they derive their authority," —further— "we are of opinion, that some test or obligation is necessary."

The Constitution as passed September 28th, 1787—vol. XII p. 107.

"No Religious Test shall ever be required to any office or public trust under the United States.

May 12th, 1788, vol. XII. p. 171. The Convention of South Carolina wished the following amendment, but it was refused:

"Resolved, that the 3d. Sec, of the 6th Article ought to be amended, by inserting the word "other," between the words "no" and "religious."

Vol. XIII. p. 172. The New Hampshire Convention remonstrated, that

"Congress shall make no laws touching religion, or to infringe the rights of conscience."

Convention of Virginia—vol. XIII p. 176. On 27th June, 1788, pronounced that

"All men have an equal unalienable and natural right to free exercise of religion, according to the dictates of conscience; and that no particular religious sect or society ought to be favoured or established by law in preference to others."

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

Vol. XIII p. 178. Lastly, the Convention of New York declared,

"That the people have an equal, natural, and unalienable right, freely and peaceably to exercise their religion, according to the dictates of conscience; and that no religious sect or society ought to be favoured, or established by law, in preference to others."

Thus, sir, we see that toleration—that no religious test, was the very corner-stone laid by our illustrious progenitors, at the foundation of the temple of liberty. Even the highly interesting state of New Jersey, whose bosom was not yet cicatrized, bearing the hallowed wounds of Monmouth, and of Trenton, though she gravely asked for it, could not obtain a test. Nor could South Carolina with all her just weight of character—fresh in the renown of her statesmen, and the brilliancy of her achievements, obtain the insertion of the little word "other," because, that would have implied, that there was some kind of test, and the framers of the Constitution would not suffer any thing in it, even by implication, to smack of such a conclusion. Suppose, out of the 213 representatives now in Congress, one "whose heads no hellebore could cure," were to rise in his place, and move to amend the Constitution, by inserting a religious test; I am certain, he would not get a solitary member to second him. His name might descend to posterity, but it would be like Arostratus, who fired the temple at Ephesus; and if, in August, '76, a test had not been foisted into the constitution of Maryland, anyone who would attempt it, at this period, would share the same fate. If such a thing could not be dreamt of then, why should it be suffered to exist? Like the unprofitable fig-tree, it bears no fruit, "cut it down, why cumbereth it the ground?" We have now 24 states, eleven of which have been added since the Revolution; in every one of which, a religious test has been expressly excluded; what can be a stronger proof of the genius and spirit of the age in which we live?

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

Even in the old states, but two or three retain a test—in the others, it is expressly excluded. A person was, some years or so past, elected in the N. C. legislature; she has a strict test—his seat was attempted to be vacated; it was determined that the state test was repugnant to the Constitution of the U. S., and he retained his seat. He was a Jew! What does this show, but that an isolated and odious disability, like this, is swept away before the age.

Yet, a writer under the signature of Orthodox, a large and well written paper, as to style and sophistry, which has been officiously, nay, obtrusively laid on the tables of the members of this house, and which, I presume, comes from high and opulent authority; perhaps from a bishop, who was bred a lawyer, or from the private pen of some modern Gil Blas, and some sage writer of Homilies. But from the preponderance of astutia in this production, I think our modern wag will not tell his scribbling reverence, that his faculties begin to fail—but I will tell him, that he has misstated and misquoted the constitution and the facts, &c.

To maintain the propriety of our still retaining the test, he says—"In several of the states, the Christian religion is expressly recognized and established." To make this assertion more effectual, he puts an asterisk (*) to it; and immediately under "Orthodox," at the bottom of the fifth column of his "Remarks on the proposed alteration of the Constitution of Md., in relation to the Test required for those who hold office," he enumerates the states which have a test, or provisions tantamount to it, in their several constitutions.

1st—Massachusetts. She has not a full test, but very modified and restricted, Next, N. J.—I think he is wrong, from the view I have taken of her constitution; but not having the original charter, to which it refers, I cannot be positive. 3d—Penna. Here he shows the cloven foot. He thought, perhaps, the sceptical might take the trouble to look up the first, and finding him correct, would take the balance on faith—not so with me; I will sift him to the last grain. In the teeth of his assertion, this is the constitution of Penna: Art. 9, Sec. 4—"No person who acknowledges the

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust, or profit, under this commonwealth.''—Would this prevent a Jew, or a Mohammedan, or any other religious person under the canopy of heaven?—I suspect not. The 3d, or antecedent article, is equally liberal. 4th, Delaware—this hits his reverence plump on the head. The 1st Art. and 2nd Sec. says:—''No religious test shall be required as a qualification to any office or public trust, under this state.'' Now on my honour, if I were certain ''Orthodox'' was a layman, I would say he told a palpable falsehood; but fearing, lest he may be something amphibious, ''some bishop-lawyer, or some lawyer-bishop,'' I will only prove he has told it. 5th, Md.—Ah! you are too rightly there—''it is the very head and front of her offending.'' 6th, N. C.—right again. 7th and last, S. C.—as wrong as if he had burnt his coat or cassock. How reads the book?

Article 4.—''All persons who shall be chosen or appointed to any office of profit or trust, before entering on the execution thereof, shall take the following oath: 'I do swear, (or affirm,) that I am duly qualified, according to the Constitution of this state, to exercise the office to which I have been appointed, and will, to the best of my abilities, discharge the duties thereof, and preserve, protect, and defend the Constitution of this state, and of the U. S.' '' Not one word in the Constitution about recognizing or establishing any particular religion. How unworthy such deception, to be attempted against the people, and doubly so, when offered under the solemn sanction of religious truth! He speaks not one word of all the new states and their constitutions; and yet, what a strong instance is the state of Louisiana—though composed of French and Spaniards, in large proportions, who are as tenacious of their religion as any people on earth, yet they require no test; nor does the present territorial government of Florida, though in its chrysalis as to state sovereignty, and just disincumbered from the arms of the ''Beloved Ferdinand.''

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

And now for a few of this writer's false facts. The address is too long, and too full of inaccuracies, to be taken up regularly—a great deal of historical and theological detail—discussion of the general and state sovereignty, &c. &c., all pretty wide of the main question. But at the head of the third column, he says:—"This provision (that is, the test) is now the stumbling block, and the cause of great clamour, not among the Jews, it must be admitted." No, sir, the Jews have not made a "great clamour," because that would be the means of injuring both their cause and their standing in our country. But directly contrary to the inference of this writer, they have gravely and decorously, feelingly and ably presented, by my hands, a memorial to this honourable body, to relieve them from this test. He goes on—"The truth appears to be, that the most zealous advocates of the proposed change, care nothing about the Jews"; —talks about pagan idolators, heathens, infidels, &c. &c. I am not going to discuss either metaphysical or religious subjects, or to advocate this creed, and attack that—I am speaking on a subject of civil policy. If, in my investigation, I shall sometimes be obliged to touch on things and opinions of a sacred and holy character, I shall endeavor to do it with all due reverence and solemnity.

Having, I hope, fully discussed and proved beyond a doubt, my first proposition, I will proceed to the consideration of my second, under which, those parts of "Orthodox" which I have last read, will be noticed and refuted. I should be deficient in courtesy, if I were not to notice him, after his solemn invocation just before his parting benediction. "To our Christian brethren of the state, we appeal for exertion in this struggle. To the members of the legislature, in an especial maner, we direct our hopes. We invite them to pause, as on a tremendous precipice."—"My dukedom to a dernier," this writer would relish an established religion, and a union between Church and State! However, I will proceed in the plan I have laid down.

It is certainly not only the policy of the Union, but of

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

each particular state, to encourage the emigration of moral, enterprising, and affluent citizens to their shores. This assertion is now received as a political axiom.—The state, which creates or retains disqualifications, on any description of persons, will throw them into other states which have not such disqualifications, and thereby injure herself. Should this honourable House negative this bill, who could blame those gentlemen of the Hebrew church, who have signed the memorial before you, from quitting your state with their families, their connexions, and wealth, and choosing some other state, where they enjoy equal rights and favour, with all its citizens. Some persons may think that we should lose but little, either in character, wealth, or numbers; but I assure you, I have a document here, which confutes such a conclusion. Before I left Baltimore, I wrote on a small scrip of paper some half dozen queries and requested Solomon Etting, Esq., to have them faithfully and truly answered, and transmit them to me. He did so, and enclosed a copy of them for General Winder, of the senate. This is Mr. Etting's original statement, which I will read through as it is written.

Solomon Etting's Answers to Col. Worthington's Queries.

Question 1st.—The number of Jews in the State of Md.?

Answer—Supposed, at least, one hundred and fifty.

Question 2nd.—The wealth of the Jews in the state of Md.?

Ans.—General wealth difficult to ascertain; among a few heads of families, we may estimate half a million of dollars.

Ques. 3d.—The number of Jews in the U. S.?

Ans.—At least estimate, six thousand.

Ques. 4th.—The wealth of the Jews in the U. S.?

Ans.—This is equally difficult to ascertain with question 2nd. Among the heads of families, in the principal cities, we may fairly estimate the wealth at ten millions of dollars.

Ques. 5th.—What offices have been held, or are now held, by members of the profession?

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

Ans.—To enumerate these, in detail, would be extremely tedious and difficult; we will mention a few within immediate recollection.—

Solomon Bush, colonel in the American Revolution, a distinguished officer, and who died after the Revolution, of the wounds received, or effects arising out of them.

There were many valuable members, officers, principally, in the Revolution, from the south chiefly, who were nearly all cut off and destroyed early in the war; they were ever at their post, and always foremost in hazardous enterprises.

Reuben Etting—Marshal of Md., appointed by Mr. Jefferson, and who continued in office until his removal from the state.

Ditto—captain of a volunteer corps, raised very early in Balto., long under his command, and grew so numerous as to require being divided into companies, and thrown into the 5th regiment of Md. militia.

Solomon Etting—Captain 5th regiment Md. militia, appointed by governor Paca.

B. I. Cohen—Lieutenant in Columbian Volunteers, attached to the 5th regiment Md. militia, appointed by Charles Ridgely, of Hampton, Esq.

It may be well here to mention, that all the above officers under the state of Md., were understood so to be, and were held, without subscribing to the religious test oath.

The strongest case applicable to the subject, is one at present existing, and may thus be related:—Early in the spring of the existing year, 1823, a number of spirited young men formed a volunteer corps of riflemen, known by the name of "Marion Corps," without any previous knowledge on his part of even the existence of this company, they unanimously determined, and did elect Benj. I. Cohen their captain—a commission was received from Governor Stevens, but not qualified to, of course, in consequence of the existence of the test law; the corps were made acquainted with this fact, and a resignation on his part of the command by the captain elect—at a meeting of the corps, called for the

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

purpose, it was unanimously determined that no captain should be elected until the fate of the bill at present before the legislature, should be decided, and the corps is, at this time, commanded by the first lieutenant. This was the corps to which was presented the flag, by Gov. Stevens, on behalf of Mr. Cohen, as a testimony of his gratitude for their highly distinguished marks of esteem.

There are very many instances of local appointment in the different states, both in a military and civil capacity; wherever the Israelites are numerous, or large and powerful, those of talent will be found amongst them.

M. M. Noah—Major in Peena, Consul to Tunis for the American government, and on his return to the country, appointed by the legislature of N. Y. to the important station of Sheriff of their metropolis.

A. A. Massias—Major in the U. S. army during the late war, and retained in the service at the reduction of the army; he is now pay-master for the southern department.

U. P. Levy—Lieutenant in the navy of the U. S.; has repeatedly distinguished himself in the service—last commander of the U. S. schooner *Revenger,* and lately sailed for London and Paris, as bearer of despatches to the ministers of the government at those places.

There are very many midshipmen, cadets, &c., &c.

Here is another paper, which contains the names of a corps of volunteer infantry, in Charleston, S. C. in Feb. 1779; it was composed chiefly of Israelites, residing in King's street, and was commanded by Capt. Lushington, and afterwards fought under Gen. Moultrie at the battle of Beaufort.

And yet this writer, "Orthodox," wishes to make you believe, that the father of his country, and hero of the Revolution, under whom those Israelites so gallantly fought for freedom, would be in favour of the present restriction. At the bottom of his third column, he quotes from Washington's Farewell Address, enjoining not only morality, but religion. Who doubts the correctness of those injunctions for a moment?—No one. Does he say a word about preferring one

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religion to another? No. Then it has no peculiar bearing on this question, unless it be to show, that by his not limiting it to any particular sect, he is in favour of complete non-restriction in this respect.

It is fortunate that I have in my hands proofs that the father of his country was in favour of the political equality of the Israelites in particular. This is enough for me; for I make this a question between the 150 Israelites in the state of Md., and citizens thereof, whose elegant and touching memorial has been handed in and read at your table; and this branch of the legislature. I will not be fighting for abstract principles or rights—I am speaking for 150 Jews amongst a few of whom alone, is one million and a half of property, in the lands, chattels, and funds of your own state; men who, and their forefathers, have fought with Washington for the very liberty you now enjoy, and yet you refuse them a full and equal participation.

These old papers have been preserved in the family of Mr. Cohen, of Balto., for many years; it shows how near to the heart of that people, this subject lies; yet how noiseless and unobtrusive they have been upon it; and it evinces their veneration for the American chief who poured this balm into their wounds.

I will read them, or rather some extracts from them, bearing on the present point. I have selected three, all to be found in the *Gazette* of the U. S. of June, Sept. and Dec., printed at N. Y. and Phila., in 1790.

Extracts of Address to General Washington.

1st—From the Hebrew congregation of the city of Savannah, of the 4th of June, 1790, presented by Mr. Jackson, one of the representatives of Ga., signed by Levi Sheftal, president, in behalf of the Hebrew congregation.

"SIR:—Your unexampled liberality, and extensive philanthropy, have dispelled that cloud of bigotry and superstition which has long, as a veil, shaded religion, unrivetted the fetters of enthusiasm, enfranchised us with all the privileges

and immunities of free citizens, and initiated us into the grand mass of legislative mechanism."

Answer of General Washington.

"May the same wisdom-working Diety, who long since delivered the Hebrews from their Egyptian oppressors, planted them in the promised land, whose providential agency has lately been conspicuous in establishing these U. S. as an independent nation, still continue to water them with the dews of heaven, and to make the inhabitants of every denomination participate in the temporal and spiritual blessings of that people whose God is Jehovah."

The next is an address of the Hebrew congregation in Newport, Rhode Island, which is so handsomely written, that I must take leave to read it entire.

To the President of the United States of America.

"SIR:—Permit the children of the stock of Abraham to approach you, with the utmost affection and esteem for your person and merit, and to join with our fellow-citizens in welcoming you to Newport.

"With pleasure we reflect on those days—those days of difficulty and danger, when the God of Israel, who delivered David from the peril of the sword, shielded your head in the day of battle; and we rejoice to think, that the same spirit who rested in the bosom of the greatly beloved Daniel, enabling him to preside over the provinces of the Babylonish empire, rests, and ever will rest, upon you, enabling you to discharge the arduous duties of CHIEF MAGISTRATE of these states.

"Deprived as we heretofore have been of the invaluable rights of free citizens, we now (with a deep sense of gratitude to the Almighty disposer of all events) behold a government erected by the MAJESTY OF THE PEOPLE—a government, which to bigotry gives no sanction—to persecution no

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assistance; but generously affording to ALL, liberty of conscience, and immunities of citizenship: deeming every one, of whatever nation, tongue or language, equal parts of the great governmental machine. This so ample, and extensive Federal Union, whose base is philanthropy, mutual confidence, and public virtue, we cannot but acknowledge to be the work of the great God, who ruleth in the armies of heaven, and among the inhabitants of the earth, doing whatever seemeth to him good.

"For all the blessings of civil and religious liberty, which we enjoy under an equal and benign administration, we desire to send up our thanks to the Ancient of days, the great preserver of men, beseeching Him that the angels who conducted our forefathers through the wilderness into the promised land, may graciously conduct you through all the difficulties and dangers of this mortal life. And when, like Joshua, full of days and full of honours, you are gathered to your fathers, may you be admitted into the heavenly paradise, to partake of the water of life, and the tree of immortality.

"Done and signed by the order of the Hebrew congregation in Newport (Rhode Island.)

(Signed) MOSES SEIXAS, Warden.

Newport, Aug. 17, 1790."

I must now be further indulged in reading the whole of the reply:

To the Hebrew congregation in Newport, R. I.

"GENTLEMEN:—While I receive with much satisfaction your address, replete with expressions of affection and esteem, I rejoice in the opportunity of assuring you, that I shall always retain a grateful remembrance of the cordial welcome I experienced in my visit to Newport, from all classes of citizens. The reflection on the days of difficulty and danger which are past, is rendered the more sweet from

a consciousness that they are succeeded by days of uncommon prosperity and security.

"If we have wisdom to make the best use of the advantages with which we are now favoured, we cannot fail, under the just administration of a good government, to become a great and a happy people.

"The citizens of the United States of America, have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy—a policy worthy of imitation. All possess alike, liberty of conscience, and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For, happily, the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection, should demean themselves as good citizens, in giving it, on all occasions, their effectual support.

"It would be inconsistent with the frankness of my character, not to avow that I am pleased with your favourable opinion of my administration, and fervent wishes for my felicity. May the children of the stock of Abraham who dwell in this land, continue to merit and enjoy the good will of the other inhabitants—while every one shall sit in safety under his own vine and fig-tree, and there shall be none to make him afraid.

"May the Father of all mercies scatter light, and not darkness, in our paths, and make us all in our several vocations, useful here, and in his own due time and way, everlastingly happy.

GEORGE WASHINGTON."

I come now to the third and last, to which I shall refer. It is "The Address of the Hebrew Congregations in the cities of Phila., N. Y., Charleston and Richmond, to the President of the U. S." As both the Address and the Reply are short, and very interesting, I will read them entire.

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

"SIR:—It is reserved for you to unite in affection for your character and person, every political and religious denomination of men; and in this will the Hebrew congregations aforesaid yield to no class of their fellow-citizens.

"We have hitherto been prevented by various circumstances peculiar to our situation, from adding our congratulations to those which the rest of America have offered on your elevation to the chair of the Federal government: Deign, then, illustrious Sir, to accept this our homage.

"The wonders which the Lord of hosts hath worked in the days of our forefathers, have taught us to observe the greatness of His wisdom and His might, throughout the events of the late glorious Revolution; and while we humble ourselves at His footstool in thanksgiving and praise for the blessings of His deliverance, we acknowledge you, the leader of the American armies, as His chosen and beloved servant. But not to your sword alone is our present happiness to be ascribed: that, indeed, opened the way to the reign of freedom; but never was it perfectly secure, till your hand gave birth to the Federal Constitution; and you renounced the joys of retirement, to seal by your administration in peace what you had achieved in war.

"To the eternal God, who is thy refuge, we commit in our prayer the care of thy precious life; and when, full of years, thou shalt be gathered unto the people, thy righteousness shall go before thee, and we shall remember, amidst our regret, 'that the Lord hath set apart the godly for himself,' whilst thy name and thy virtues will remain an indelible memorial on our minds.

MANUEL JOSEPHSON.

"For and in behalf and under the authority of the several congregations aforesaid.

Philadelphia, 13th December, 1790."

To which the President was pleased to return the following answer:

"To the Hebrew Congregations, in the cities of Phila., N. Y., Charleston and Richmond.

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

"GENTLEMEN:—The liberality of sentiment towards each other which marks every political and religious denomination of men in this country, stands unparalleled in the history of nations.

"The affection of such a people, is a treasure beyond the reach of calculation; and the repeated proofs which my fellow citizens have given of their attachment to me, and approbation of my doings, form the purest source of my temporal felicity. The affectionate expressions of your address, again excite my gratitude, and receive my warmest acknowledgment.

"The power and goodness of the Almighty, so strongly manifested in the event of our late glorious Revolution, and His kind interposition in our behalf, have been no less visible in the establishment of our present equal government. In war, He directed the sword; and in peace, He has ruled in our councils. My agency in both has been guided by the best intentions, and a sense of the duty which I owe my country.

"And as my exertions have hitherto been amply rewarded by the approbation of my fellow citizens, I shall endeavour to deserve a continuance of it by my future conduct.

"May the same temporal and eternal blessings which you implore for me, rest upon your congregations.

G. WASHINGTON."

I have no doubt, numerous similar addresses and replies might be produced. These are amply sufficient to show the opinion of General Washington on this subject, and put to rest, I hope, forever, any similar appeals to his great name, to support a religious test against any religion whatever, much less that of the children of Abraham. I therefore, not only contend for the abstract right, the general principle of no religious test, but take the bull by the horns at once, and say, that, contrary to early pledges, to all rational expectations, you withhold important privileges and benefits of your promised free government, from one hundred and fifty inhabitants of your state, impeached with no crime, and

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

charged with no earthly defalcation; but on the contrary, some of whom, you all know, for high character in society, for moral worth, and strict religious duties, according to the ancient and venerated theology of their forefathers, are a pride and an ornament to any country. Who are those Jews whom you thus shut out of the pale of civil rights? They descended from a nation of mighty men, famed for military exploits, and their high literary attainments. The country of Solomon, of Saul of Tarsus, one of the strictest of the Pharisees, whose superhuman eloquence made Felix tremble, confounded Agrippa on his throne and shook the Areopagus of Athens, as he declared to them the unknown God, whom they ignorantly worshipped! who, if he filled the spot I now so feebly occupy, would by the thunder of his voice, and the lightning of his eye, pierce through and dissipate this thick cloud which has so long hung over the better genius of your state. It was he who reasoned "of temperance, righteousness, and judgment to come."—Yet he was born a Jew. Who were the most sacred and famed holy men and prophets of the olden times? Elisha, Isaiah, Daniel, were all Jews. Was not our Saviour of the seed of Abraham, of the tribe of Judah, of the family of David?—Why, these people in religion were your especial progenitors; and the same God who led Moses and the children of Israel out of the bondage of Egypt to the fertile vales of Palestine, led you to independence, to happiness! You have no followers of the koran, nor the zenda vesta, nor the morals of Confucius, nor the shaster of the Bramins here, to complain of this test—so that the only people it practically affects, are the followers of Moses. Whether you repeal the test, or suffer it to remain, it will never affect any bad Christian; for he who denies the truth and holiness of the religion of his fathers, will make your declaration of belief without even straining at the gnat. Your test has had no effect on the bad and hard-hearted; it is the good and the conscientious it bears so cruelly upon.

To substantiate this important position, I will read the opinions of some of the ablest statesmen of the age in Europe

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

—the opinions of two great rival political champions, Mr. Fox, and the younger Pitt.

Mr. Fox said—"Men should be tried by their actions, not by their opinions. This, if true with respect to political, was more peculiarly so with regard to religious opinions. In the position, that the actions of men, and not their opinions, were the proper objects of legislation, he was supported by the general tenor of the laws of the land.

"As to the disabilities heaped on the Roman Catholics of England, no man deplores them more than I do; and were I a member of the British parliament, I would be in the van to relieve them—because, when those disabilities were created, there might have been some fear of a foreign ascendency—now there is none. I will go on further with Mr. Fox, who says:

"There were many men, out of the established church, to whose services their country had a claim. Ought any such man be examined, before he comes into office, touching his private opinions?—Was it not sufficient that he did his duty as a good citizen? Might he not say, without incurring any disability, I am a friend to the constitution, and on religious subjects must be permitted to think and act as I please? Ought their country to be deprived of the benefit she might derive from the talents of such men? But when did the test exclude the irreligious man, the man of profligate principles, or the man of no principle at all? Quite the contrary; to such men, the road to power was open—the test excluded only the man of tender conscience—the man who thought religion so distinct from all temporal affairs, that he held it improper to profess any religious opinion whatever, for the sake of a civil office. Was a tender conscience inconsistent with the character of an honest man?—or did a high sense of religion show that he was unfit to be trusted? Further, if the majority of the people of England should ever be in favour of the abolition of the established church, it ought to be abolished."

I have before me some other remarks, both of Mr. Pitt and

Mr. Fox, on the subject of the Test Act, Corporation Act, &c.; but I must conclude them; and I do not hesitate to say, this liberality of sentiment is, and has been, and ever will be, characteristic of great and liberal minds, in all ages, and in all countries. Even where there is an established church, as in England, you see this liberality of opinion. Mr. Madison's remonstrances against the General Assessment of Va. in 1785, which I hold in my hand, breathes the same lofty and enlightened spirit—Church and State are distinct and separate here, and I hope they will ever remain so.

Having thus established my propositions, beyond, I trust, the power of fair and honest contradiction, not by my own assertions and arguments, but by the highest authorities, supported by undeniable facts and calculations—my duty, if I consulted my ease, might here induce me to conclude; but I am well aware, that a solid phalanx of numbers are arrayed against this bill, and it is not safe to leave the field, until I have exhausted every means in my power, far beyond my bare duty; then I shall repose, whether victorious or vanquished, in that tranquillity, which nothing can disturb.

Mr. Speaker:—In the remainder of the observations which I shall submit, as having a direct bearing, or even a remote influence, on this question, I shall be altogether guided by my recollections and feelings at the moment, as they may present or evolve themselves in the actual discussion. I now, therefore, pray you to listen to me with rather an indulgent ear.

Sir, I am myself a Christian—an humble and feeble one indeed, and one who I am conscious is unworthy to "unloose even the latchets of the shoes" of many here present. And this charity and liberality which now induce me to advocate the cause of the house of David, make me feel that I aim at some distant and faint similitude to the acts of Him who was all goodness, all charity—who could say to His enemies and persecutors, "Forgive them, they know not what they do." —On this, Christianity in spirit and in truth, not in ceremony and persecution, I enjoy peace here, and humbly hope for eternal happiness hereafter. The sect in which I was bred,

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

is the Protestant Episcopal Church. I have no doubt a person may get to heaven that way. My fathers thought it good enough for them; and I see numbers every day, of as good people as any I know, remaining in the same persuasion. Therefore, till I shall be convinced it is not good enough for me, I shall abide with them. The great fear I have, is, that I am not, nor never shall be, good enough for it—but that will be judged of hereafter. Yet I go to see and hear all sects; and I have full charity for all. I like some better than others, to be sure; but I have not a spark of enmity nor antipathy against a single one. Therefore, with me, the good and upright of every denomination, should enjoy complete, equal, civil and political rights.

I know the great cry in this country against the Jews is, that they crucified Christ. It was specially pre-ordained by God, that act should be done, and they should do it. It was for your redemption. What right then have you to take into your hands vengeance and punishment? God can and will vindicate His own acts. Are you commanded to it? No: you are commanded the very reverse, by the very victim, the very author of the religion you profess—whose solitary sermon on the mount, is worth all that ancient and modern philosophers ever wrote or spoke! Suppose ancient Greece were to form a confederation of all her states, and deny the Athenians equal privileges, because they forced the half-Christian Socrates to drink the deadly hemlock: it would be not less unjust than your enmity, and, I say, persecution, against the Jews. I know not what these people may be in Europe, where they are borne down by despotism and covered with slander; but in America, they are some of our worthiest and best citizens: nor in their dealings, appearance, and intercourse in life, can you here discriminate them from other persons in similiar pursuits. Every avenue to wealth and official station is open to them under our general government. A Jew may be president of the U. S.; and yet in Md. he cannot be a constable! unless he makes a false declaration. He cannot bring up his sons to the practice of the law, the high road to fame, and sometimes wealth, in this country.

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

Was ever anything more cruel? I know an instance: Mr. Etting, of Baltimore, had a son of talents and acquirements: he spared no pains on him. The youth wished to study law. The father, with pain in his heart and tears in his eyes, told him that he could not. Even to be an attorney of a county court, he would have first to renounce the religion of his fathers. Is not this an outrage on the age? Yet in other states there are eminent lawyers, Jews: and so there will be here; for this wretched disability, if not this session, will certainly shortly be annihilated.

Suppose Rothschild, who, with his immense wealth, like some mighty magician, dissolves and forms against the coalitions of emperors, kings and potentates, by some convulsion of the old world be driven to seek an asylum in this western hemisphere—though our climate, our general character, our central position, our proximity to the metropolis of the Union, nay, many other peculiarities, should at first invite him to pitch his tabernacle in Md.; think, that the moment he recollected this test, he would not dash the garland chalice from his lips? With his genius and his wealth he would turn with loathing from you, to live in some Free State. No more than a month or two ago, a Protestant Church was involved in debt, in New Orleans, for about $20,000. It was set up at public sale, the pastor and congregation being unable to pay it, and bought by Mr. Judah Torah, a Jew. What did he do with it?—did he convert it into a warehouse, or set it up to make money on it? No: he gave it back, at a moderate rent, to the pastor and congregation. Verily, this "was an Israelite in whom there was no guile." Would a Christian have done this for a Jewish synogogue? Yes, if he were as good as a Christian, as that was as a Jew. His merely making his Declaration, which perhaps might enable him to be governor of the state, would have put him no nearer doing such an act as this, than if he had never made it.

Let us say a word or two of the fair daughters of Jerusalem; they, like our own matrons and maidens in this land of liberty, must have warm sympathies and acute sensibili-

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

ties on subjects like these. Why should they not? Their ancestors had. In what ancient or modern history do you find a superior to the beauteous adopted daughter of Mordecai —whose devotion to country, whose obedience to her husband, placed her so far above Vashti, the rebellious queen of Ahasuerus, who ruled from India to Ethiopia? The virtuous Susannah? And those amiable sisters, Martha and Mary, so exemplarily solicitous, not only about domestic duties, but the higher concerns of futurity!—their daughters of our time have rather improved than degenerated: they are still the roses of Sharon and the lilies of the valley. After thus seeing and knowing those people, experiencing the beneficial result from no Test in our general government, none in any of the new states, and retained but in two or three of the old—finding no possible ill to flow from this liberality, I am at a loss to discover on any rational or religious principle, why anyone can, at this time of day, vote to retain it. Has anyone sort of blind and inveterable faith?—Against such, I am aware, even the most transcendent eloquence would be vain.

> "——The lover may
> Distrust the look that steals his soul away;
> The child may cease to think that it can play
> With Heaven's rainbow; Alchemists may doubt
> The shining ore their crucible turns out;
> But faith, too ardent faith, once wedded fast
> To some dear doctrine, hugs it to the last."

If they are not satisfied with all this experience, in their own country, I fear nothing I can say will alter them. And as Lazarus, while reposing in Abraham's bosom, said to Dives, "neither would they believe one, although he returned from the dead." They already have Moses and the prophets. But, Sir, religion is made the mere stalking-horse—it has nothing to do with this question—it is resorted to as a political fire-brand—as an electioneering expedient. We see pious persons of all denominations, whether Roman Catholic, Prot-

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

estant, Methodist, etc., in favour of the repeal, and others of the same character against it. I have talked with many gentlemen here, who say they are in favour of the repeal, but come pledged to vote against it. I certainly shall not undertake to say, that they are not bound by those pledges —they best understand their own conscience—I am no casuist. As to myself, if I were to give a positive pledge, and the state of things and my opinions did not change honestly and rationally, from what they were when I gave the pledge, I would abide by it. But I would not suffer a portion of my constituents, who I was not morally certain were a majority, but believed to be a minority, to direct and control me on a great constitutional question like this. Indeed, as we take an oath on constitutional questions, the general rule in politics, is, that on those questions you ought not to suffer yourself to be bound by instructions. I rather think so myself —certainly not subsequent to your election—but even then, or at any other time, whether you pledge or not, if you know and believe that your own opinion is contrary to a majority of your constituents, you ought to resign, or vote their will.

I have no doubt but a large majority of the people of Md. are in favour of the repeal—and a member here, on constitutional question, acts for the state—therefore the little sectional politics should not govern him. In that view then pledges appear to me no more capable of chaining a delegate down to the earth, than were the wishes, whereby the Philistines attempted to confine the strong man in Scripture. The repeal passed both branches of the legislature last session; it has just passed, and come down to us from the grave Senate this session, and I trust a majority of this House will give the finishing blow to this evil, and wipe this stain forever from our code. Once repeal this Test, and never again will there be even an attempt to restore it.

On this subject, had I the power, I would send forth my voice, that it should be heard from Damascus to Ezion Gebar; up hither and down thither Jordon—from the Arabian Gulf to the Pillars of Hercules. It should roll its swell

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

over the slumbering fisherman where Tyre once stood, and reverberate amidst the mountains of Gilboa.

Sir, I impugn the motives of no gentlemen in this house, who may vote against this Confirmatory Act. Many advocates of the Test, both in and out of this house, I have no doubt, in their own judgment, are governed by high and pious motives. But I have thought some persons are in favour of the Test, because it operates as a sort of monopoly of offices. The more people you disqualify from holding offices, the more remain for them and their friends.

This Test, Sir, is like those powerful genii in the Arabian tales, placed at the portals to guard the treasure within; it stands like the cherubim of old, at the gate, with their flaming swords, to watch the Hesperian fruit of office and of place. Though, unlike the cherubim of old, the innocent, not the guilty, are here the objects of opposition. It is said, the Jews enjoy everything in Md., except appointment to office. Is this so slight a prohibition?—Is not wealth, and honour, and consequence, often, very often, included in this prohibition?—Is not political power, and office, and place, and patronage, with many men a ruling passion? If then our once happy and perfect first parents, could not be contented with every possession, but craved even the solitary apple that was forbidden them—how can the children of Abraham rest contented under a prohibition, which includes so many important and piquant incentives!—This is human nature. How was it with Haman, the high chamberlain of the king—blest with everything, even admitted with the royal spouse, the only guest at the queen's banquet—yet, what availed all that, when there remained at the king's gate one solitary individual, who sat still, and declined paying his homage and respect!

Some fear, if we destroy the Test, we shall injure, nay, destroy, the Christian religion—why is it not destroyed in those states where it never has existed?—nearly 50 years have tested the wisdom of the omission. Why does it not affect your whole general government, Congress and all?

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

Are they, or any one of them, less religious than this assembly, or any one of it?—Sir, that religion, whose founder was shadowed out in the Polio of the Mantuan Bard, to the heathen world, and by the Jewish prophets, and chief by him "whose hallowed lips were touched with fire," to the Christian world, is not to be injured nor destroyed, by liberality, by charity! This Test is a restriction on the people—it says, they shall not elect a man for a particular service, unless he declare, after election, that he possesses a particular superadded qualification, which the people, who may have elected him, think has nothing to do with that service. The people have cause to complain, and a large majority of them do. It is vulgarly called a "Jew Bill"; it might as well be called a "Mohammedan" or "Persian Bill"—indeed, its most proper name is, a "Turk Bill."

It is against the spirit of the age—it is against the spirit of your declaration of rights: and on that rock, the Constitution of the Union, I build my argument; and all the powers of sophistry and deception shall not prevail against it. In this position I rest secure and inexpugnable!

I will forever hold up my hands against this restriction—it is the same spirit of persecution which drove our ancestors from Europe, from culture and civilization; and they preferred a settlement here, with freedom, amidst savages and a wilderness. Why do you not perform the precept of the religion you declare in?—"Do unto others as ye would they should do unto you."—No, you do not, unless you shall confirm this law. Do you not take away every spur to high-minded and honourable ambition?—even professions by which they might earn their daily bread! Do you not wish to continue them forever hewers of wood and drawers of water?—You will be mistaken—already the mandate for this repeal has gone forth, and it will, it must, ere long, be obeyed. I wish to pluck from the pile of religious intolerance, this last brand, and extinguish it forever.

I shall enter my vote solemnly against the Test; whether my exertions be successful or not, I cannot tell; but be they as they may, I regard this as one of the proud days of

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

my life, and though, like many past ones, bright to myself, it may not be so fortunate to others as I could wish.

Israel prays to you in her oppression and tribulation! Hear her—you have no excuse; for I say, there is balm in Gilead—there is a physician there! It rests with you, who have the power to restore health to the daughter of her people!"

John S. Tyson of Baltimore, who followed Col. Worthington said:

Mr. Speaker:—

After having been for twenty years engaged in this arduous struggle for the rights of man, and sustained during the whole of that time repulse upon repulse, and disaster upon disaster, having felt the sweets of a victory obtained at one session, embittered by discomfiture at another—the friends of religious toleration succeeded during the last assembly in making a breach in the walls of the enemy. Under auspices the most favourable, with renewed vigour, in their arms, and ardour in their hearts, they again approach the broken wall, exclaiming, in the language of Henry, before Harfleur, and with the like assurance of success, "Once more unto the breach, dear friends, once more." It is natural for us to inquire, why the triumph of this cause has been so long delayed?

I answer, because of the ignorance of some of the people, the prejudices of others, the bigotry of one portion, and the honest, but mistaken zeal of another—an ignorance, prejudice—bigotry, and zeal, fostered by political demagogues, who though in heart and soul, they were neither Christian, Jew, nor Turk, professed to be the humble supporters of the religion of Jesus.

Hence it was, that an opinion was inculcated among the people, that the test bill, as it was called, was a bill to abolish Christianity—that the state was about to be inundated with Jews and Turks—that Maryland would become another Judea, and Baltimore another Jerusalem. Those demagogues have, however, within the last year, preserved a commendable

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

silence. The people have been left free, to think and act for themselves—and they have left their delegates free to think and act for themselves; and the question is now submitted to an unpledged legislature.

On all constitutional questions, and particularly on one of this kind, the first cry is, that the constitution is a sacred instrument, it ought not to be touched, it is much better to endure grievances than to remove them by an alteration of the constitution.

In India, the people worship the great Mogul; in Europe, they worship their kings and emperors; here, however, they worship their constitution. This, though better than the others, is bad; because it is idolatry. Idolatry is still idolatry, whether the idol be a constitution or a king; and, I may add, that tyranny is still tyranny, whether the tyrant be a piece of paper in the shape of the law, or a despot in his kingly robes. As the idolatry of a people towards their king is the strongest support of his despotism and the inherent vices of his nature, so the idolatry of a people towards their constitution, is the strongest support of the tyranny of that constitution, and its inherent vices.

Think not that I undervalue the great charter by which our government is bound together—I venerate, though I do not adore, our constitution; and it is because I venerate it, that I am anxious to purge it of whatever is calculated to render it less and less an object of reverence.

The constitution itself gives us the right to alter and amend it. It is our duty to put this right in exercise, whenever experience demonstrates its necessity. I would search for the evil even through the ruins of the superstructure, and cleansing the foundation, build up the edifice anew, rather than permit the evil to remain, until it should itself have undermined the constitution, and in some ill-fated moment should bring it down to ruin upon our heads. But, sir, the evil we are now considering is not so difficult of access—it is upon the surface of the constitution, ay, sir, upon the house-top, a standing and disgraceful spectacle in the eyes of all the world.

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

But the benefits (it may be said) of this act of toleration will be circumscribed within narrow limits, will be enjoyed by only a few individuals—so solemn an instrument as a state constitution, should not be altered for the benefit of a few. What then? Will you do it when their number shall be greater? No. You will then say, that it would be dangerous to grant constitutional privileges to so many Jews. Sir, the Hebrews of Md., are more entitled now, if not to your justice, at least to your sympathies and charity, than they will be when the present handful shall become a multitude; because they are weaker, more dependent upon your magnanimity; less able to maintain of themselves the rights of freemen. Would you feel the less indignation towards the iron-hearted, grasping guardian, because the victim of his rapacity was an infant orphan? Oh! no,—you would execrate him the more, because of the weak and defenceless condition of the suffering innocent.

So should you regard these unfortunate Hebrews. They are the political orphans of your state, not made so by their follies or their crimes; not by any of the natural and inevitable calamities of life; but orphans by desertion, abandoned by their parent—cheated of their birthright—nay, even deprived of their legitimacy.

But, sir, honour! the honour of the state is concerned. A nation may be dishonourable in a very small matter—a nation may be dishonourable, nay, even cruel, without committing a single act of dishonour or cruelty. If a clause existed in your constitution, which would subject to stripes or imprisonment, every freeman who should flee from a foreign land for refuge to your shores—it might happen that not a solitary being would suffer himself to be the victim of such injustice; but would the nation be any the less dishonourable or cruel? No—because dishonour and cruelty, as well as honour and humanity, are in the heart, in the intention, not in their external manifestation by outward signs. Therefore, although there was not a single Jew in Md., the clause which subjected them to oppression being in the constitution, the dishonour is as great as it

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

would be if a hundred thousand Jews suffered under its tyranny.

The honour of the state, I repeat it, the honour of the state is involved. The people of Md., have gone on for many years past, as if they cared nothing about the honour of the state, when it was tarnished by themselves. They have jealousy enough for the honour of the nation abroad—if a foreign frigate fires into an American sloop of war, or a foreign government insults an American ambassador, how sensitive are we on the occasion. The cry of vengeance rings from Dan even unto Beersheba. We are ready to put the whole nation in a panoply of offence. But a much worse dishonour we will suffer to remain untouched, when inflicted by our own hands, upon our own country. Yet in my apprehension this is infinitely worse, because, in the former case, we being the victims of another's outrage, another shares a great portion of the shame, whereas, in the latter case, we bear it all alone.

The next objection which I will notice, is one of a very singular character, and yet I have frequently heard it in conversation with some of the members of this house. They object to this bill, and will not vote for it, because it is only a "Jew bill," and not also a Mohammedan bill—a Gentoo bill—in fine, a bill sweeping away at once, every religious test from the face of the constitution. If such a bill were now before the house, I venture to affirm that some of these very individuals would object to it because it was not exclusively a Jew bill—I am afraid, lest with some, this objection is used as a cover to the world for real sentiments, or as a quietus upon self-reproach.

If there are any who sincerely entertain the objection, I would ask them, whether, by a universal abolition of the test bill, one of the objects to be gained, would be the relief of the Hebrews? Why not join in their relief now?—have you charity enough to comprehend the whole multitude of discordant faiths in the world—and have you at the same time too little for the persecuted Hebrews alone!

I, sir, am as strongly in favour of the entire abolition of

the test as any member of this house can be. Indeed, one of the reasons which have urged me to the support of the "Jew Bill," is the belief that it would open the door for entire and unconditional toleration; but I know that I cannot obtain that now. Am I, therefore, to suffer my charity to grow cold, and fall at once from the very boiling point to half a dozen degrees below zero? No; I will keep it warm and vivid by exercising it upon the sons of Abraham, I would fear that if it should perish now, even a bill for the universal abolition of the test would not hereafter be able to restore it to existence.

Sir, I can see many strong reasons, convincing to my mind, why the portals of religious freedom should be first opened to the Israelite—his religion ranks next to ours—the God of the Christian is the God of the Jew. For the knowledge of that God, we are indebted to his fathers; that knowledge, like the sacred fire of old, was preserved by them from century to century, until the power of Omnipotence, through the ministration of Jesus Christ, scattered it abroad upon the face of the earth, to burn with unextinguishable brightness. We owe to them the history of the antediluvian world; we owe to them a great portion of the holy Scriptures—above all, we owe to them the birth of Jesus Christ. Let them, therefore, first enter the temple of religious freedom, and not in company with the disciple of Mahomet, or the blood-stained worshipper of Juggernaut, whose presence is an abomination to the Jew.

Having thus disposed of these preliminary objections, which, if admitted, would close the very door of discussion upon us, let us look at those which go to the merits of the bill.

The Jews are unworthy of relief! Why are they so? Bring forward your charges in the face of the day; but first gather the dispersed of Judah, from the four winds of heaven, and assemble them at the bar of this earthly tribunal, where mortal man presumes to act as the vicegerent of heaven. Sir, as the advocate of this people, I plead to your jurisdiction. I deny your right to preside over the consciences

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of men. Ah! but, I hear you say, we have the power, and will exercise it. That is true. You have the power, and you will exercise it, and we must prove our innocence, or suffer the punishment of guilt.

When a tyrannical parliament had summoned the whole American nation at its tribunal bar, to show the cause why they should not be deprived of the rights of freemen, the immortal Burke stood forward as their champion. He told the British parliament that it was hard to draw a bill of indictment against a whole people. Were this great man now among us, and advocating (as he would advocate) the cause of the oppressed Israelites—he would say again: "It is hard to draw a bill of indictment against a whole people." There is nothing like it in the history of the world; there is no instance on record of the trial of a whole nation at once, excepting that of the American people, before the British parliament, and the Hebrew nation, before an American tribunal. The cases are alike. The difficulty is the same in each: it is, that no such charge can be drawn into any shape, that will be consistent with the constitution of a free people, or the rights of human nature. This is our argument of strength, and if it be true, cannot be resisted. Exhibit your charges!

The Jews do not believe in Jesus Christ! This cannot be disputed as a fact, but it is disputed as a cause of accusation. Who made them Jews? The same Being who made you a Christian. They had as little control over the destiny which made them the sons of Abraham, as you had over that, which cast your lot among a Christian people. Born as you are in a Christian community, taught no other faith, or taught it only as an object of execration, is it wonderful that you profess the Christian religion?

Born as the Jews are, descendants from the line of ancestry, traceable to the first period of the world's existence, all professing the same faith, a faith communicated by God himself, in the midst of thundering and lightning upon Mount Sinai,—educated in this faith, from their earliest infancy, and wedded to it by the cementing power of perse-

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

cution, is it wonderful that they should continue to profess it? The wonder would be, if they should burst through the mighty mound of circumstances in which they are intrenched, and come over to the camp of Christianity. Sir, if they had been born as you were, they would have been Christians—if you had been born as they were, you would have been Jews.

When, therefore, you censure the Hebrews for not being Christians, you arraign that mighty Being who holds in his hands the reins of destiny, and Who, for purposes inscrutable to us, has cast their lot in the midst of necessities, which compel them to be Jews. It is their fate, it may be their misfortune; if so, they are objects of Christian charity, not for Christian persecution. Are you still disposed to condemn them, because they do not believe in the religion of Jesus Christ? I would ask, how many in this Christian community of those who are not Jews, are believers in that faith? How many in this assembly, I would emphatically ask, how many among those who oppose the claims of the Children of Israel? You will answer, all. This may be true in one sense—all of you may have an historical belief of the existence of Jesus Christ, and a theoretical belief in the doctrines which he taught—but are you all believers, in the true sense of the term? Do you practise what you profess? If you do not, then are you in a worse condition than the Jew, who to the uttermost of his humble powers, fulfils the law of Moses. He lives up to the light and knowledge which he has received —you act against that which you profess. You have been born in the midst of Christianity—you have imbibed it, I had almost said, with your mother's milk; you have from the pulpit, week after week, and in the closet, day by day, received line upon line, and precept upon precept: yet you wander from the line and disobey the precept. The Jew has none of your advantages, and yet he does no worse than you; nay, he does better! for the faithful Jew practises Christianity without professing it—you profess it without practising it.

"Judge not therefore, lest you be judged, for with what-

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soever measure you mete, it shall be measured to you again." Whosoever here is without this sin, let him cast the first stone. If this advice be taken, I am inclined to think that very few stones will be thrown; no, not one—for I am confident that those who are without this sin, possess too much of the spirit of Christianity, to raise the hand of violence against these unfortunate sons of persecuted fathers.

But you may say, we do not condemn the Jew because he disbelieves in a different religion, but because the principles of his religion are dangerous in a Christian community.

I ask, how long have this race of people existed in this country? and when have they manifested that their principles were dangerous in a Christian community? Sir, they have existed here ever since the first settlement of the American colonies, during all which time, nothing of this dangerous character have they manifested. They have been as harmless as doves—like lambs before their shearers, they have not opened their mouths, even in reproach for the persecutions they have received.

But the religion of that people, it will be said, though innocent in private life, is dangerous in the administration of government. This supposes the establishment of the Jewish religion as the government religion. The object of this will is not to do that. If you mean to say, that within the limits of possibility, the Jewish religion may become the state religion, if it be encouraged by the passage of this bill, and therefore you ought to oppose it—I reply, you adopt an argument which goes to the exclusion of every religious sect in the community—Catholic, Protestant, and Dissenter. But you may say that these are Christians, and they would not seek any ascendency over their fellow Christians. If they were to gain it, they would not abuse their authority as the Jew would. Sir, this is reasoning against human nature, and in the face of history. Cloak religious power as you will, you will always discover with it one inseparable companion—the disposition to abuse it.

There is not a religious sect in the world, which has not

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

abused power when it possessed it. Did not the pious Calvin, when he held the two-edged sword of civil and religious power, stain it with the blood of persecution? Did not the devout Presbyterians who fled from the tyranny of British intolerance, to build the church of God upon the Rock of Plymouth, forget the day of their past calamity, and stain even the paradise of liberty, with the blood of martyrs? But not to go to past ages, look at England, or rather look at Ireland. You there see six millions of Catholics, with human hearts in their bosoms, cheated of their birth-right, enslaved and trampled upon by the leaden foot of religious tyranny.

You cannot expect more than this from the Jewish religion. And yet you have more to fear from every Christian sect than from the Jews, because every such sect is more numerous, and, therefore, more likely to usurp religious power.

Besides, a Jewish hierarchy can only be supported by the laws of Moses. These never can be introduced into this country. For, in order to enforce them, there must be a temple; that temple must be established at Jerusalem; there must be an especial order of priesthood, an order, which, since the destruction of the former priesthood, can only be established by divine authority. The idea of the establishment of the Hebrew religion in Md., as the government religion, is preposterous in the extreme; it is conjuration too weak to terrify even infant apprehension. If this state of Md., were the only spot on all the earth that afforded a resting place for these wandering sons of Judah, in their pilgrimage through all lands, we might fear an innundation—but

"The world is all before them, where to choose
Their place of rest, and Providence their guide."

They have, however, chosen one country, as the abiding place of their posterity. The Jews of the east look to the west—those of the west look to the east, and they all cast

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

their eyes on that sacred spot, where, amid all the sublimities of nature, the divine law of Moses was first given to the Israelites. That is their place of future rest on earth.

The last accusation which I shall notice is one of a heinous character indeed—The Jews crucified the Saviour of the world!—What Jews? Not the Jews of this age or this country—not the Jews of Md.—The deed was done eighteen hundred years ago, and in a period of consummate wickedness throughout the world. We have divine authority, for saying that the sins of fathers shall not be visited upon their children later than the third and fourth generation—and shall the flame of human vengeance burn for twenty centuries?

There is not a devout Jew in existence, who does not mourn the deed done on Calvary. It was a bloody deed, and bloodily has Judah answered it. The generation who witnessed the crucifixion, had not passed away, ere the furies of fire and sword, famine and pestilence, mingled in the work of her destruction. Far and wide,

"Temple and town went down, nor left a site,
Chaos of ruins! who shall trace the voice,
O'er the dark fragments, cast a lunar light,
And say, here is, or was, where all is doubly night?"

Thousands were slain by the sword—the rest were carried into captivity; no age, sex, or condition, was regarded; the very name of Judea was blotted from the roll of nations. Was not this enough?

Their descendants, from generation to generation, for twenty centuries, have been the victims of a persecution, unparalleled in the history of any other people. In every period of the world's history, in every nation under heaven, by every sect, they have been imprisoned, tortured, and massacred—sewed up in the skins of wild beasts, and thrown to the dogs in Asia—chained to the galling car for life in Africa—burned to death in Spain—flayed alive in Italy—fleeced and sentenced to banishment from time to time in

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England—plunged into the catacombs in France—knouted in Russia, or driven to perish in the wilds of Siberia. Is not this enough?

It was only a few years since, that a poor Jew in Polish Lithuania, was condemned to be tortured to death on account of his religion. They cut off his hands, and then thrusting the bleeding stumps into a pot of boiling pitch, called upon him to recant. He only exclaimed, O God of Abraham! have mercy upon them! O God of Isaac! have mercy upon them! O God of Christ! have mercy upon them! and then expired. Which of these, Mr. Speaker, was the Christian? The record, may I say, of heaven, will bear testimony in favour of the Jew.

Ought not the world to be tired of such scenes? Shall we, instead of execrating them, join in the full spirit by which they are prompted? We join in this spirit, if we deny them the rights of freemen—the unalienable rights of human nature. We do deny them these rights when we refuse to pass the bill now upon your table. By the constitution of our, and their country, by the constitution of human nature, are they entitled to those civil and religious privileges, which this bill is intended to confer upon them.

As the data upon which I found this position, I refer you to the immortal instrument which preserved to us the like privileges, when the hand of foreign domination was raised to crush them. I mean the charter of our independence. "We hold these truths to be self-evident—that all men are created equal":—the Jews are men; therefore, created your equals—but do you treat them as such? No. For you say, they are unworthy to sit by your side in the administration of a free government.—"And endowed with certain inalienable rights. That among these are life, liberty, and the pursuit of happiness." But you have curtailed them in their liberty—you have hindered them in their pursuit of happiness; the best of all kinds of liberty, religious liberty; and the purest of all sorts of happiness, eternal happiness. "For the preservation of these, governments are instituted among men."—But your government is instituted for their

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destruction. You have put them under the ban of the republic. "Deriving their just power from the consent of the governed." They never gave you power to deprive them of their civil and religious privileges. The people of Md., did not surrender to the convention who framed their constitution the right to control their consciences. They could not surrender it, because it was an inalienable right.

Sir, do you not acknowledge the force of this instrument? Your articles of confederation are founded upon it, and your existence as a state in the great Union, is founded on the articles of confederation. It is a component part of the constitution of that Union, and endowed with its power. In opposition to every state enactment, this power is omnipotent. The clause therefore, denying civil and religious freedom to the Jews, is expunged from your constitution. The bill now on your table gives to that people no new rights, it merely preserves to them rights which are immutably and inalienably theirs.

Sir, if you continue to enforce this outlawed clause of your constitution, you rear up with the hand of arbitrary power, that worst of all monsters, a religious hierachy. Do not the words frighten you, and yet they are true. The principles upon which you uphold even the pure Christian religion, to the exclusion of every other, are the principles which uphold the inquisitorial government of Spain, and the Episcopal hierarchy of England. The right to put up one religion, is the right to put down another—the right to put down one, is the right to put down all; and the right to put down all, is the right to build up one upon their ruins. The right to build up or pull down in one particular, involves the right to do so in all; and you may, therefore, whenever you choose it, establish a Presbyterian Church government, an Episcopalian Church government, or any other church government, upon the ruins of every other religious society; nay, upon the ruins of civil government itself.

In order to prevent these terrible consequences, let us vote for the bill now upon the table. Let us pronounce a verdict of not guilty in favour of the persecuted sons of Abraham.

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It will be registered in heaven—the recording angel will drop a tear of joy, as he notes it down, and all the melody of heaven will join in hallelujahs on the event.

Some gentlemen are angry with this bill, and will not vote for it, because it has taken up so much of the time of the House. Sir, the only way to get rid of this bill, is to vote for it—otherwise, it will return upon you again; it is invulnerable and immortal; cut off one head, another will rise in its stead. Next to the dishonour of suffering this stain upon our constitution, would be the ignominy we should suffer, should it be said, with truth, that no one in the legislature of Md., could be found, bold and honest enough, to defend the cause of religious toleration. I will guarantee, that one gentleman, at least, will do all he can to prevent so foul a tarnish on our name and character. Should it please the caprice of the people to remove him from the councils of the nation, or the wisdom of Providence to call him to a better world, I guarantee that another will succeed him, though he will be little able to supply his place.

I beg pardon of the gentleman from Washington for thus introducing him to the House. I could not do otherwise, because his name is identified with the "Jew Bill." You cannot think of the one without thinking of the other—he was an early champion in the cause; Atlas-like, he bore it upon his shoulders at a time when it was too heavy for all other men —it fell—he raised it—it fell again—he raised it again and again. Like Sisyphus, he was compelled alternately, to roll up the stone, and suffer its recoil. The enemies of religious freedom in Washington, withdrew from him their support, and he ceased to be a member of this House. Even then, he continued to labour in the cause. He once more comes into the hall of legislation, and his very first act is to bring the "Jew Bill" before the house! Let him consummate the work—He began it, it is his right to end it. Let him be both Alpha and Omega. I would pray for the stamp of immortality on what I have said, merely to perpetuate his glory."

In order that the measure become a law, it was necessary

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to have it confirmed at the next session. This was accordingly done at the December session of 1825. On January 5, 1826 (Laws of 1825) the bill was introduced. It was passed February 26, 1826.

The Act follows:—

Sec. 1. Be it enacted by the General Assembly of Maryland, that every citizen of this state professing the Jewish Religion, and who shall hereafter be appointed to any office or public trust under the State of Maryland, shall in addition to the oaths required to be taken by the constitution and laws of the State or of the United States, make and subscribe a declaration of his belief in a future state of rewards and punishments, in the stead of the declaration now required by the constitution and form of government of this state.

Sec. 2. Be it enacted, that the several clauses and sections of the declaration of rights, constitutional and form of government, and every part of any law of this state contrary to the provisions of this act, so far as respects the sect of people aforesaid, shall be, and the same is hereby declared to be repealed and annulled on the confirmation hereof.

Sec. 3. And be it enacted, that if this act shall be confirmed by the General Assembly of Maryland, after the next election of delegates in the first session after such new election as the constitution and form of government directs, in such case this act and the alterations of the said constitution and form of government shall constitute and be valued as a part of the said constitution and form of government to all intents and purposes, anything therein contained to the contrary not withstanding.

Niles Register under date of January 16, 1826, discussing the passage of the "Jew Bill" said:

"We have already announced that the bill for the relief of the Jews in Maryland was finally confirmed in the legislature of Maryland on Thursday last, and is now a law of the State.

After the bill had been read a second time, on Thursday last, and was ready to be put on its passage, Mr. Kennedy of Washington, rose and observed, that it was not his intention

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to take up the precious time of the House with a set speech on this occasion; that he did not speak by note, and trusted the House would bear him with patience even if he wandered widely. The present question, he said, had often been agitated on the floor of this House. From 1801 until the present day, it has been presented to the legislature, and its friends had gradually increased, and it now came before this House under more favourable auspices than it ever had done before. The bill had been passed at the last session by both Houses, and at the present session it had again passed the Senate, and he understood that only a single no was heard in that honourable body when the vote was taken.

Mr. Kennedy said that he did not claim any honour for having brought the subject before the legislature, for it was not due to him, it was due to another; * for in the year 1817, often as he had read the constitution, he was not aware that any citizen of Maryland was rendered ineligible to office, on account of his religious principles.

It is true that in 1818 a bill similar to the present, was brought before this House by him, and was rejected, it was again brought forward in 1819 and 1820, and a bill to abolish the religious test entirely, passed both branches of the legislature in 1822, that bill he should long remember, for it left him at home; yet he did not regret the course he had then pursued—nor would he regret it if it had even exiled him from public life forever.

Mr. Kennedy said and challenged contradictions on this point, that Maryland was the only state in the Union where Jews were excluded from "participation in civil office, with the rest of their fellow citizens on account of their religious belief." That in Massachusetts where a convention was called a few years ago, the chief alteration made in their constitution, was an entire abolition of the religious test. That the Constitution of the United States recognized the

* We understand Mr. Kennedy here alluded to the late much respected and worthy Jeremiah Sullivan, Esq., formerly of Baltimore City, who first mentioned the subject to him.

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same principles, and that this had been done by an unanimous vote of those sages and patriots who framed the constitution.

Mr. Kennedy said that the sweetest joy to the parents, and he well knew a parent's feeling, was to see a well beloved son rise into public notice, distinguished by his virtues and talents. But how was it in Maryland?—Except you believe in a particular creed, your son, though ever so highly qualified for office, could not hold any without being an apostate from the religion of his fathers, and would not said parents in the bitterness of their hearts be almost ready to curse Maryland.

Instances have already occurred where a native born citizen of Maryland could not practice at the bar as an attorney, could not command a company of militia, though unanimously elected, because he could not subscribe what in his heart he did not believe.

An awful responsibility, he observed, rested on the members of this House, and he begged them to pause and reflect—it was in their power to put this question at rest forever—it was in their power to have their names recorded and handed down to posterity, as the friends of civil and religious liberty; and that they were among those who professed as well as practiced the great and good precept of "doing unto others what it was their wish others should do unto them."

Mr. Tyson followed Mr. Kennedy on the same side. No person spoke in opposition. The following are the yeas and nays:—

AFFIRMATIVE—Messrs. Semmes (Speaker), Kilgour, Milliard, Hawkins, Gough, Welch, Boon, Wickes, Maxcy, Estep, Beckett, Brooke, Dalrymple, Smith, Chapman, Rogerson, Edelen, Worthington, McCulloch, Spencer, Mills, Teackle, Eccleston, Beall, Duvall, Banette, Stevens, Sudler, Cockey, Barnes, Sappington, Fanguhar, Williams, Hall, Howard, Tyson, Kennedy, Lansdale, Lee, Hughes, Watson, Perry, Rud, Blair, Armstrong—45.

NEGATIVE—Messrs. Harris, Gantt, Lintchicum, Garner, Shaw, Turner, Goldsborough, Banning, E. Jones, B. I. Jones,

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Ennalls, Broughan, Douglass, Thomas, Grubb, Gilpin, Harlan, Ridout, Speed, Ridgaway, Hopper, Hooper, Parker, Mitchell, J. Montgomery, Potter, Keene, Saulsbury, Hughlet, Merrick, Kershner, Jacques, Jr.—32.

THE END

Universitätsbibliothek Johann Christian Senckenberg
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Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

INDEX

A

Annapolis charter conferred suffrage on property owners, 5

B

Baltimore Hebrew Congregation, Federalist oppose incorporation, 45
Memorial to incorporate, 44
Baltimore directory of 1796 lists Jewish residents, 12
Bible, Reading of King James version in schools, 64, 66
Bible school law declared constitutional in many states, 66
Bill of Rights gave religious liberty only to Christians, 9
Blue laws *see* Sunday observance
Bowles, James H., Opposes Kennedy's election, 32
Breckenridge, Judge H. M., speech on abolishing religious tests, 108-127

C

Catholics, J. I. Cohen defends in letter to "National Advocate," 52
Prescribed from office and franchise, 6, 7, 151
Cemeteries *see* Etting burial ground; Jewish cemetery
Charitable societies established, 56, 57
Children of Israel in Maryland by Kennedy, 23
Christian Church in New Orleans redeemed by a Jew, 186
Church and state forever separate, 67
Citizenship, Conferred on Jews by naturalization law, 9
Efforts of Kennedy to secure equality of, 14, 21, 23, 27
Membership in Episcopal church requisite for, 5, 151
Memorial before General Assembly of 1823, 28-31
Civil liberty, Committee of House of Delegates report on extending, 70-78
Cohen, Benjamin I., Captain of Marion Corps, 174
Cohen, Jacob I., Defends Catholic attitude on religious tests, 52
Filled many public offices, 44, 47
Letter to E. S. Thomas regarding Jew bill, 48
Constitution of the State gives right to amend its text, 192
Of 1867 prescribes oath of office requiring belief in God, 60
Pronounced perfect, 35
Constitution of the U. S. forbids religious tests, 143, 144, 167
Cordia, Hester, Early settler, 2

D

Debates in General Assembly on civil and religious disabilities of the Jews, 69
de Barrethe, Isaac, Early settler, 2
de Costa, Mathias, Early settler, 2
de Sousa, Mathias, Early settler, 2
Drury, Ignatius, Supports Kennedy in election contest, 32

E

Established Church made church of the Colony, 6
Etting, Reuben, made U. S. Marshal, 54
Etting, Solomon, Death of, 55
Elected member of Baltimore City Council, 44
Life in Baltimore, 54
Petition for right to hold office, 10, 13
Etting burial ground, 55
Evidence of slaves and persons believing in God, 59

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main

F

Fitzherbert, Father, Charged with practising his religion, 5
Fereira, David, Early settler, 2

G

Gabby, Joseph, Opposes Kennedy's election, 32
Galloway, Benjamin, Opposes Kennedy's election, 32, 33
Grant, President U. S., Keep church and state separate, 67
Gratz, Bernard, Petition for right to hold office, 10

H

Hall, T. B., Supports Kennedy in election contest, 32
Hart, Jacob, Loan to Lafayette, 11
Henry, Mr., Attempted expulsion from North Carolina legislature, 124

I

Immigration from Germany, 46
Irish servants, Duty of 20 shillings on, 7, 151

J

Jew bill *see* Religious test
Jewish cemetery, 54
Johnson, Reverdy, Fathers bill for toleration, 36
Judefind *vs.* Maryland, 63

K

Kennedy, Thomas, Children of Israel in Maryland, 23
Committee report on Jewish equality in citizenship, 21, 23, 27-70
Comes to America, 16, 17, 41-43
Dedicatory address to his parents, 18, 20
Defeated for re-election, 32, 33, 34, 135
Death of, 39
Establishes Hagerstown Mail, 39
Inspired by French Revolution, 70
Inspired by Jefferson's religious liberty statutes of 1785, 67
Monument erected by Maryland Order of Brith Sholom, 41
Poems of toleration, 58
Speech at 1818 General Assembly in favor of Jew bill, 79-107
At 1820 General Assembly in favor of Jew bill, 128-132
At 1824 General Assembly in favor of Jew bill, 138-164
Sullivan calls attention to Jews ineligibility to office, 205
Kellar, Thomas, Supports Kennedy in election contest, 32
Kilgour *vs.* Wills on Sunday observance, 64

L

Leat, Jacob, Early settler, 2
LeCompte, Opposes abolishing religious test for Jews, 133
Lumbrozo, Jacob, Trial for questioning divinity of Christ, 3-4

M

McMahon, John V. L., Defends Jew bill, 135
Maryland only state to exclude Jews from all offices, 103
Massachusetts excluded Jews from various offices, 103
Merrick, Joseph I., Opposes Kennedy's election, 32
Mexican War, Volunteer regiment formed, 56, 57
Ministers may not serve in General Assembly, 60

N

Naturalization law of U. S. made Jews citizens, 9
New York State excludes Roman Catholics, 101, 102
Niles Register records passage of Jew bill, 204-206

O

Oath of office prescribed by Constitution of 1867, 60
Office holding in State, Assembly petitioned for right, 10
Office under Federal government held by Jews, 9

Universitätsbibliothek Johann Christian Senckenberg Frankfurt am Main

P

Protestants oppress Catholics, 5-8; 150-153

R

Religion, Practise not restricted by U. S. Constitution, 65
Religious freedom urged by people outside the State, 36
Religious test; Bill to abolish, 77-78; 204
Vote on final passage, 37, 206-7
Breckenridge's speech to abolish, 108-127
Committee report on, 70-78
Excluded by Revolutionary Congress from Constitution, 167
For Catholics, 153
Forbidden by U. S. Constitution, 104, 143, 144
Fox and Pitt express disapproval of, 183
Kennedy's speech to abolish, 79-107; 128-132; 138-164
LeCompte opposes abolishing, 133
Oath of 1715 and 1716, 5
Originated in 1716, 6, 150
Tyson's speech to abolish, 191-203
Vote on permission to introduce bill to abolish, 135
Washington would abolish, 132
Worthington's speech to abolish, 165-191
Revolutionary War, Money subscribed, 12

S

Sabbath not legally recognized, 62, 63, 64
Slaves, Evidence accepted, 59
Sullivan, Jeremiah, Calls Kennedy's attention to Jews ineligibility to office, 205
Sunday observance, 60, 61, 62, 63

T

Toleration; Act of 1649, 1, 3
Made perpetual in 1676, 6
Modified in 1723, 6
Poems by Kennedy, 58
Tyson, John S., Speech defending Jew bill, 191-203

U

United States Constitution forbids religious test, 104

W

Washington, Mr. (Mont. co.), Would abolish all religious tests, 132
Washington, George, Letters to Hebrew congregations, 175, 177, 180
Washington (D. C.) in 1796, 17
Witnesses; Oath, 60
Slaves and persons believing in God, 59
Worthington, J. W. D., Speech defending Jew bill, 165-191

Universitätsbibliothek Johann Christian Senckenberg
Frankfurt am Main